

MONTANA LEGISLATIVE HISTORY

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Chapter 643 19 91

Bill H _____ S 209 Original bill & history ✓ c

H. Committee on Natural Resources

S. Committee on Public Health, Welfare & Safety

Hearing Date(s) Mar 19 ✓ c

Hearing Date(s) Feb 11 ✓ c

_____ c

Feb 22 ✓ c

_____ c

_____ c

_____ c

_____ c

Date Out Mar 20 ✓ c

Feb 23 ✓ c

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

SB 208 INTRODUCED BY NATHE, ET AL.
 AUTHORIZE CARD GAME OF 21

1/26	INTRODUCED		
1/28	REFERRED TO JUDICIARY		
1/28	FIRST READING		
1/28	FISCAL NOTE REQUESTED		
2/04	FISCAL NOTE RECEIVED		
2/05	FISCAL NOTE PRINTED		
2/11	HEARING		
2/12	COMMITTEE REPORT—BILL NOT PASSED		
2/12	ADVERSE COMMITTEE REPORT ADOPTED	33	14
2/13	MOTION FAILED TO RECONSIDER ADOPTION OF ADVERSE COMMITTEE REPORT	25	25

SB 209 INTRODUCED BY YELLOWTAIL, ET AL.
 REQUIRE SOLID WASTE MANAGEMENT SYSTEM BE LICENSED
 ANNUALLY BY DEPARTMENT OF HEALTH
 BY REQUEST OF ENVIRONMENTAL QUALITY COUNCIL

1/26	INTRODUCED		
1/28	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
1/28	FIRST READING		
1/28	FISCAL NOTE REQUESTED		
2/01	FISCAL NOTE RECEIVED		
2/04	FISCAL NOTE PRINTED		
2/11	HEARING		
2/23	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/25	2ND READING PASSED	31	18
2/26	3RD READING PASSED	37	12
	TRANSMITTED TO HOUSE		
3/04	FIRST READING		
3/04	REFERRED TO NATURAL RESOURCES		
3/19	HEARING		
3/20	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/05	2ND READING CONCURRED	78	21
4/06	3RD READING CONCURRED	73	23
	RETURNED TO SENATE WITH AMENDMENTS		
4/17	2ND READING AMENDMENTS CONCURRED	49	0
4/18	3RD READING AMENDMENTS CONCURRED	41	8
4/23	SIGNED BY PRESIDENT		
4/23	SIGNED BY SPEAKER		
4/23	TRANSMITTED TO GOVERNOR		
4/26	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 643		

EFFECTIVE DATE: 7/01/91

SB 210 INTRODUCED BY YELLOWTAIL, ET AL.
 GEOTHERMAL RESOURCES ACT

1/26	INTRODUCED
1/28	REFERRED TO NATURAL RESOURCES
1/28	FIRST READING
1/28	FISCAL NOTE REQUESTED
2/01	FISCAL NOTE RECEIVED
2/05	FISCAL NOTE PRINTED
2/06	HEARING
2/19	TABLED IN COMMITTEE

SB 211 INTRODUCED BY HARP
 INCREASE MAXIMUM PENALTIES FOR WATER QUALITY ACT
 VIOLATIONS

1/26	INTRODUCED
1/28	REFERRED TO NATURAL RESOURCES

1 *Senate* BILL NO. *209*
 2 INTRODUCED BY *Yellowtail T. Bond* *Harp* *Alcedo*
 3 (BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL
 4 *Missell* *Randy Bellant* *Drusky*
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A SOLID
 6 WASTE MANAGEMENT SYSTEM TO BE LICENSED ANNUALLY BY THE
 7 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; TO REQUIRE
 8 AN APPLICANT FOR A LICENSE TO PAY AN APPLICATION FEE; TO
 9 AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
 10 SCIENCES TO COLLECT FEES; AMENDING SECTIONS 7-13-231,
 11 75-10-102, 75-10-104, 75-10-115, 75-10-204, AND 75-10-221,
 12 MCA; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE
 13 APPLICABILITY DATE."

14
 15 STATEMENT OF INTENT

16 A statement of intent is required for this bill to:

17 (1) provide the department of health and environmental
 18 sciences with guidelines for adopting rules to implement
 19 [sections 1 through 6];

20 (2) indicate the structure and amount of fees that are
 21 intended to be charged to license solid waste management
 22 systems; and

23 (3) indicate the method of collection.

24 A fee for review of a license application for a new
 25 solid waste management system or for substantial

1 modifications to an existing system will be charged. The
 2 fees must be based on the capacity of the proposed system
 3 and reflect the relative cost of reviewing the proposal. The
 4 following fee structure is suggested:

5 (1) Major facility. \$10,000 for a facility with a
 6 planned capacity of more than 25,000 tons of solid waste per
 7 year.

8 (2) Intermediate facility. \$7,500 for a facility with a
 9 planned capacity of more than 5,000 tons of solid waste per
 10 year but not more than 25,000 tons per year.

11 (3) Minor facility. \$5,000 for a facility with a
 12 planned capacity of not more than 5,000 tons of solid waste
 13 per year.

14 A fee will be charged to issue a license for a solid
 15 waste management system, and an annual fee will be charged
 16 to renew a solid waste management system license. The fees
 17 are intended to reflect a minimal base fee related to the
 18 fixed costs of an annual inspection and license renewal and
 19 a volume fee related to the estimated amount of solid waste
 20 to be disposed of each year. The following fee structure is
 21 suggested:

22 (1) Major facility. \$3,500 for a facility with a
 23 planned capacity of more than 25,000 tons of solid waste per
 24 year.

25 (2) Intermediate facility. \$3,000 for a facility with a

1 planned capacity of more than 5,000 tons per year but not
2 more than 25,000 tons per year.

3 (3) Minor facility. \$2,500 for a facility with a
4 planned capacity of not more than 5,000 tons per year.

5 In addition to the fixed fee, all solid waste management
6 systems shall pay a volume fee in order to receive a license
7 under 75-10-221. The initial fee should not exceed 31 cents
8 per ton.

9 For the purposes of estimating the volume for small
10 solid waste management systems or for systems that choose
11 not to weigh or measure the volume of waste managed, the
12 following formulas are suggested:

13 Solid waste should be assumed to be generated at the
14 following per capita rates:

15 <u>Population</u>	<u>Tons Per Year</u>
16 Greater than 5,000	1.04
17 1,000 - 5,000	0.59
18 Less than 1,000 and unincorporated areas	0.41

19 For the purpose of conversion between solid waste weight
20 and volume, the following equivalents are suggested:

- 21 (1) One uncompacted cubic yard equals 300 pounds; and
22 (2) One compacted cubic yard equals 700 pounds.

23
24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

25 **Section 1.** Section 7-13-231, MCA, is amended to read:

1 **"7-13-231. Authorization for charges for services.** (1)
2 To defray the cost of maintenance and operation of said
3 refuse disposal district, the board shall establish a fee
4 for service, with approval of the county commissioners,
5 provided a public hearing has been held if written protest
6 has been made as provided in 7-13-211. An increase in fees
7 may not be approved and implemented unless notice of such
8 increase is given as provided in 7-13-208(1) and (2) and
9 opportunity for protest is allowed as provided in 7-13-209
10 and 7-13-211.

11 (2) This fee shall be assessed to all units in the
12 district that are receiving a service, for the purpose of
13 maintenance and operation of said district.

14 (3) An opportunity for protest or hearing is not
15 required to increase fees for the purpose of paying fees
16 imposed by the department of health and environmental
17 sciences under 75-10-115. Notice must be provided to all
18 units of the rate or portion of any rate that is directly
19 attributable to the fee imposed."

20 **Section 2.** Section 75-10-102, MCA, is amended to read:

21 "75-10-102. Public policies. (1) To implement this
22 part, the following are declared to be public policies of
23 this state:

24 (a) Maximum recycling from solid waste is necessary to
25 protect the public health, welfare, and quality of the

1 natural environment.

2 (b) Solid waste management systems shall be developed,
3 financed, planned, designed, constructed, and operated for
4 the benefit of the people of this state.

5 (c) Private industry is to be utilized to the maximum
6 extent possible in planning, designing, managing,
7 constructing, operating, manufacturing, and marketing
8 functions related to solid waste management systems.

9 (d) Local governments shall retain primary
10 responsibility for adequate solid waste management with the
11 state preserving those functions necessary to assure
12 effective solid waste management systems throughout the
13 state.

14 (e) Costs for the management and regulation of solid
15 waste management systems should be charged to those persons
16 generating solid waste in order to encourage the reduction
17 of the solid waste stream.

18 ~~(e)~~(f) Encouragement and support be given to
19 individuals and municipalities to separate solid waste at
20 its source in order to maximize the value of such wastes for
21 reuse.

22 ~~(f)~~(g) The state shall provide technical advisory
23 assistance to local governments and other affected persons
24 in the planning, developing, financing, and implementation
25 of solid waste management systems.

1 ~~(g)~~(h) Actions and activities performed or carried out
2 by persons and their contractors in accordance with this
3 part shall be in conformity with the state solid waste plan.

4 (2) This part is in addition and supplemental to any
5 other law providing for the financing of a solid waste
6 management system and does not amend or repeal any other
7 law."

8 **Section 3.** Section 75-10-104, MCA, is amended to read:

9 *75-10-104. Duties of department. The department shall:

10 (1) prepare a state solid waste management and resource
11 recovery plan for submission to the board;

12 (2) prepare rules necessary for the implementation of
13 this part for submission to the board, including but not
14 limited to rules:

15 (a) governing the submission of plans for a solid waste
16 management system;

17 (b) governing procedures to be followed in applying for
18 and making loans;

19 (c) governing agreements between a local government and
20 the department for grants or loans under this part;

21 (d) establishing, for the purpose of determining the
22 solid waste management fee to which a facility is subject
23 under 75-10-115, methods for determining or estimating the
24 amount of solid waste incinerated or disposed of at a
25 facility; and

(e) providing procedures for the quarterly collection of the solid waste management fee provided for in 75-10-115; and

(f) providing guidelines for a waiver of fees for certain incineration or disposal of solid waste, as provided for in 75-10-115(2);

(3) provide financial assistance to local governments for front-end planning activities for a proposed solid waste management system which is compatible with the state plan whenever financial assistance is available;

(4) provide technical assistance to persons within the state for planning, designing, constructing, financing, and operating a solid waste management system in order to insure that the system conforms to the state plan;

(5) provide front-end organizational loans for the implementation of an approved solid waste management system whenever funds for loans are available;

(6) enforce and administer the provisions of this part;

(7) administer loans made by the state under the provisions of this part; and

(8) approve plans for a proposed solid waste management system submitted by a local government."

Section 4. Section 75-10-115, MCA, is amended to read:

"75-10-115. Solid waste management fee. (1) Except as provided in subsections (2) and (3), any person who owns an

incinerator that burns more than 1,000 tons of solid waste a year or a solid waste disposal facility that is licensed pursuant to 75-10-221 and rules adopted under 75-10-221 and that disposes of more than 1,000 tons of solid waste a year shall pay to the department a quarterly fee of \$1 for each ton of solid waste generated in a different region and incinerated or disposed of at the facility.

(2) The fee provided in subsection (1) must be waived if the department finds that the incineration or disposal is consistent with state solid waste management goals and results in equivalent or improved protection of Montana's public health, safety, welfare, and environment when compared to the alternative of intraregional incineration or disposal.

(3) The incineration or disposal of solid waste at a licensed facility in the manner and quantity incinerated or disposed of before May 22, 1989, is exempt from the solid waste management fee. (1) The department may establish and collect fees for the management and regulation of solid waste disposal. These fees may include:

(a) a license application fee that reflects the cost of reviewing a new solid waste management system or a substantial change to an existing facility;

(b) an annual license renewal fee that reflects a minimal base fee related to the fixed costs of an annual

inspection and license renewal; and

(c) a volume-based fee on solid waste disposal.

~~(4)~~(2) All fees collected must be deposited in the solid waste management account provided for in 75-10-117."

Section 5. Section 75-10-204, MCA, is amended to read:

"75-10-204. Powers and duties of department. The department shall adopt rules governing solid waste management systems which shall include but are not limited to:

(1) requirements for the plan of operation and maintenance that must be submitted with an application under this part;

(2) the classification of disposal sites according to the physical capabilities of the site to contain the type of solid waste to be disposed of;

(3) the procedures to be followed in the disposal, treatment, or transport of solid wastes;

(4) the suitability of the site from a public health standpoint when hydrology, geology, and climatology are considered;

(5) requirements relating to ground water monitoring, including but not limited to:

(a) information that owners and operators of municipal solid waste landfills and other disposal sites specified in 75-10-207 must submit to the department to enable the

department to prepare the priority compliance list authorized by 75-10-207(3);

(b) the content of plans for the design, construction, operation, and maintenance of monitoring wells and monitoring systems; and

(c) recordkeeping and reporting; and

(6) fees related to the review of solid waste management system license applications;

(7) the renewal of solid waste management system licenses and related fees; and

~~(6)~~(8) any other factors relating to the sanitary disposal or management of solid wastes."

Section 6. Section 75-10-221, MCA, is amended to read:

"75-10-221. License required -- application. (1) Except as provided in 75-10-214, no person may dispose of solid waste or operate a solid waste management system without a license from the department.

(2) The department shall provide application forms for a license as provided in this part.

(3) The application shall contain the name and business address of the applicant, the location of the proposed solid waste management system, a plan of operation and maintenance, and such other information as the department may by rule require.

(4) The license provided for in this section is for a

1 period not to exceed 12 months unless renewed by the
2 department. The department may provide exceptions to the
3 12-month requirement for a 2-year period following July 1,
4 1991.

5 (5) The department may require submission of a new
6 application if the department determines that the plan of
7 operation, the management of the solid waste system, or the
8 geological or ground water conditions have changed since the
9 license was initially approved.

10 (6) In establishing fees for licenses and the review of
11 applications, the department shall consider the volume of
12 waste to be managed and the size of the proposed solid waste
13 management system. The fees must encourage reduction in the
14 volume of waste to be managed and cover the costs to the
15 department of initially reviewing and annually licensing the
16 solid waste management system."

17 NEW SECTION. Section 7. Retroactive applicability.

18 [This act] applies retroactively, within the meaning of
19 1-2-109, to all applications provided for in 75-10-221
20 received after January 1, 1990.

21 NEW SECTION. Section 8. Effective date. [This act] is
22 effective July 1, 1991.

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0209, as introduced.DESCRIPTION OF PROPOSED LEGISLATION:

A bill to: require a solid waste management system to be licensed annually by the Department of Health and Environmental Sciences; to require an applicant for a license to pay an application fee and to authorize the department to collect fees.

ASSUMPTIONS:

1. Each year there will be new license applications for 5 small, 4 medium, and 1 large landfill. Each year there will be license renewal applications for 42 small, 20 medium, and 8 large landfills.
2. During the first biennium the per ton charge for solid waste disposal or incineration will be 31 cents. There will be 552,780 tons of solid waste disposed of in Montana each year during the next two years.
3. FY92 required personnel: 0.20 FTE Lawyer (Grade 17, Step 7), 0.25 FTE Environmental Specialist III (Grade 14, Step 2), 0.50 FTE Accounting Specialist II (Grade 12, Step 2), and 0.25 FTE Database Technician II (Grade 12, Step 2). In FY93 rule-writing will be complete and the 0.20 FTE Lawyer would no longer be required.
4. Approximately \$47,500 per year would be granted to counties to oversee landfill operator training.

FISCAL IMPACT:

Department of Health and Environmental Sciences:

Expenditures:

	FY92			FY93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
FTE	0.00	1.20	1.20	0.00	1.00	1.00
Personal Services	0	32,106	32,106	0	24,966	24,966
Operating Expenses	0	26,700	26,700	0	20,200	20,200
Grants	0	47,500	47,500	0	47,500	47,500
Total	0	106,306	106,306	0	92,666	92,666

Funding:

Solid Waste Fees (02)	0	106,306	106,306	0	92,666	92,666
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Revenues:

Solid Waste Fees (02)	0	430,000	430,000	0	430,000	430,000
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EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

About two-thirds of the solid waste disposed of in Montana is handled by county or local governments, so about \$290,000 each year would be collected by the county and local governments. Approximately \$47,500 of the fees would be passed back to the counties to oversee landfill operator training (resulting in a net requirement for county and local governments to collect \$242,500).

 2-1-91
 ROD SUNDSTED, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

 2/4/91
 BILL YELLOWTAIL, PRIMARY SPONSOR DATE

Fiscal Note for SB0209, as introduced.**SB 209**

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

SENATE BILL NO. 209

INTRODUCED BY YELLOWTAIL, T. BECK, HARP, WEEDING, DRISCOLL,
RANEY, GILBERT, GRADY
BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A SOLID
WASTE MANAGEMENT SYSTEM TO BE LICENSED ANNUALLY BY THE
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; TO REQUIRE
AN APPLICANT FOR A LICENSE TO PAY AN APPLICATION FEE; TO
AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
SCIENCES TO COLLECT FEES; AMENDING SECTIONS 7-13-231,
75-10-102, 75-10-104, 75-10-115, 75-10-204, AND 75-10-221,
MCA; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE
APPLICABILITY DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill to:

(1) provide the department of health and environmental
sciences with guidelines for adopting rules to implement
[sections 1 through 6 7];

(2) indicate the structure and amount of fees that are
intended to be charged to license solid waste management
systems; and

(3) indicate the method of collection.

A fee for review of a license application for a new

solid waste management system or for substantial
modifications to an existing system will be charged. The
fees must be based on the capacity of the proposed system
and reflect the relative cost of reviewing the proposal. The
following fee structure is suggested:

(1) MEGAFACILITY. \$15,000 FOR A FACILITY WITH A PLANNED
CAPACITY OF MORE THAN 200,000 TONS OF SOLID WASTE PER YEAR.

~~††~~(2) Major facility. \$10,000 for a facility with a
planned capacity of more than 25,000 tons of solid waste per
year BUT NOT MORE THAN 200,000 TONS PER YEAR.

~~††~~(3) Intermediate facility. \$7,500 for a facility
with a planned capacity of more than 5,000 tons of solid
waste per year but not more than 25,000 tons per year.

~~††~~(4) Minor facility. \$5,000 for a facility with a
planned capacity of not more than 5,000 tons of solid waste
per year.

A fee will be charged to issue a license for a solid
waste management system, and an annual fee will be charged
to renew a solid waste management system license. The fees
are intended to reflect a minimal base fee related to the
fixed costs of an annual inspection and license renewal and
~~a--volume-fee-related-to-the-estimated-amount-of-solid-waste
to-be-disposed-of-each-year--The-following-fee-structure--is
suggested:~~

~~(1)--Major--facility--\$37,500--for--a--facility--with--a~~

planned-capacity-of-more-than-25,000-tons-of-solid-waste-per
year;

{2}--intermediate-facility--\$3,000-for-a-facility-with-a
planned--capacity--of--more-than-5,000-tons-per-year-but-not
more-than-25,000-tons-per-year;

{3}--Minor--facility--\$2,500--for--a--facility--with--a
planned-capacity-of-not-more-than-5,000-tons-per-year;

In-addition-to-the-fixed-fee, all-solid-waste-management
systems-shall-pay-a-volume-fee-in-order-to-receive-a-license
under-75-10-221. The-initial-fee-should-not-exceed-31--cents
per-ton;

For--the--purposes--of--estimating--the-volume-for-small
solid-waste-management-systems-or-for--systems--that--choose
not--to--weigh--or--measure-the-volume-of-waste-managed, the
following-formulas-are-suggested:

Solid-waste-should-be-assumed-to--be--generated--at--the
following-per-capita-rates:

Population-----	Tons-Per-Year
Greater-than-5,000-----	1.04
1,000---5,000-----	0.59
less-than-1,000-and-unincorporated-areas-----	0.41

For-the-purpose-of-conversion-between-solid-waste-weight
and-volume, the-following-equivalents-are-suggested:

{1}--One-uncompacted-cubic-yard-equals-300-pounds; and

{2}--One-compacted-cubic-yard-equals-700-pounds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-13-231, MCA, is amended to read:

"7-13-231. Authorization for charges for services. (1)
To defray the cost of maintenance and operation of said
refuse disposal district, the board shall establish a fee
for service, with approval of the county commissioners,
provided a public hearing has been held if written protest
has been made as provided in 7-13-211. An increase in fees
may not be approved and implemented unless notice of such
increase is given as provided in 7-13-208(1) and (2) and
opportunity for protest is allowed as provided in 7-13-209
and 7-13-211.

(2) This fee shall be assessed to all units in the
district that are receiving a service, for the purpose of
maintenance and operation of said district.

(3) An opportunity for protest or hearing is not
required to increase fees for the purpose of paying fees
imposed by the department of health and environmental
sciences under 75-10-115. Notice must be provided to all
units of the rate or portion of any rate that is directly
attributable to the fee imposed."

Section 2. Section 75-10-102, MCA, is amended to read:

"75-10-102. Public policies. (1) To implement this
part, the following are declared to be public policies of

1 this state:

2 (a) Maximum recycling from solid waste is necessary to
3 protect the public health, welfare, and quality of the
4 natural environment.

5 (b) Solid waste management systems shall be developed,
6 financed, planned, designed, constructed, and operated for
7 the benefit of the people of this state.

8 (c) Private industry is to be utilized to the maximum
9 extent possible in planning, designing, managing,
10 constructing, operating, manufacturing, and marketing
11 functions related to solid waste management systems.

12 (d) Local governments shall retain primary
13 responsibility for adequate solid waste management with the
14 state preserving those functions necessary to assure
15 effective solid waste management systems throughout the
16 state.

17 (e) Costs for the management and regulation of solid
18 waste management systems should be charged to those persons
19 generating solid waste in order to encourage the reduction
20 of the solid waste stream.

21 ~~(e)~~(f) Encouragement and support be given to
22 individuals and municipalities to separate solid waste at
23 its source in order to maximize the value of such wastes for
24 reuse.

25 ~~(f)~~(g) The state shall provide technical advisory

1 assistance to local governments and other affected persons
2 in the planning, developing, financing, and implementation
3 of solid waste management systems.

4 ~~(g)~~(h) Actions and activities performed or carried out
5 by persons and their contractors in accordance with this
6 part shall be in conformity with the state solid waste plan.

7 (2) This part is in addition and supplemental to any
8 other law providing for the financing of a solid waste
9 management system and does not amend or repeal any other
10 law."

11 **Section 3.** Section 75-10-104, MCA, is amended to read:

12 **"75-10-104. Duties of department.** The department shall:

13 (1) prepare a state solid waste management and resource
14 recovery plan for submission to the board;

15 (2) prepare rules necessary for the implementation of
16 this part for submission to the board, including but not
17 limited to rules:

18 (a) governing the submission of plans for a solid waste
19 management system;

20 (b) governing procedures to be followed in applying for
21 and making loans;

22 (c) governing agreements between a local government and
23 the department for grants or loans under this part;

24 (d) establishing, for the purpose of determining the
25 solid waste management fee to which a facility is subject

under 75-10-115, methods for determining or estimating the amount of solid waste incinerated or disposed of at a facility; and

(e) providing procedures for the quarterly collection of the solid waste management fee provided for in 75-10-115; and

~~(f) providing guidelines for a waiver of fees for certain incineration or disposal of solid waste, as provided for in 75-10-115(2);~~

(3) provide financial assistance to local governments for front-end planning activities for a proposed solid waste management system which is compatible with the state plan whenever financial assistance is available;

(4) provide technical assistance to persons within the state for planning, designing, constructing, financing, and operating a solid waste management system in order to insure that the system conforms to the state plan;

(5) provide front-end organizational loans for the implementation of an approved solid waste management system whenever funds for loans are available;

(6) enforce and administer the provisions of this part;

(7) administer loans made by the state under the provisions of this part; and

(8) approve plans for a proposed solid waste management system submitted by a local government."

Section 4. Section 75-10-115, MCA, is amended to read:

"75-10-115. Solid waste management fee. ~~(1) Except as provided in subsections (2) and (3), any person who owns an incinerator that burns more than 1,000 tons of solid waste a year or a solid waste disposal facility that is licensed pursuant to 75-10-221 and rules adopted under 75-10-221 and that disposes of more than 1,000 tons of solid waste a year shall pay to the department a quarterly fee of \$1 for each ton of solid waste generated in a different region and incinerated or disposed of at the facility;~~

~~(2) The fee provided in subsection (1) must be waived if the department finds that the incineration or disposal is consistent with state solid waste management goals and results in equivalent or improved protection of Montana's public health, safety, welfare, and environment when compared to the alternative of intraregional incineration or disposal;~~

~~(3) The incineration or disposal of solid waste at a licensed facility in the manner and quantity incinerated or disposed of before May 22, 1989, is exempt from the solid waste management fee.~~ (1) The department may establish and collect fees for the management and regulation of solid waste disposal. These fees may include:

(a) a license application fee that reflects the cost of reviewing a new solid waste management system or a

substantial change to an existing facility; AND

(b) an annual license renewal fee that reflects a minimal base fee related to the fixed costs of an annual inspection and license renewal;--and

(c)--a volume-based fee on--solid--waste--disposal; AND
BASED UPON THE FOLLOWING FORMULA:

(I) FOR A MAJOR FACILITY WITH A PLANNED CAPACITY OF MORE THAN 25,000 TONS OF SOLID WASTE A YEAR, \$8,000;

(II) FOR AN INTERMEDIATE FACILITY WITH A PLANNED CAPACITY OF MORE THAN 5,000 TONS A YEAR BUT NOT MORE THAN 25,000 TONS PER YEAR, \$6,000; AND

(III) FOR A MINOR FACILITY WITH A PLANNED CAPACITY OF NOT MORE THAN 5,000 TONS A YEAR, \$4,000.

+4}{2} All fees collected must be deposited in the solid waste management account provided for in 75-10-117."

Section 5. Section 75-10-204, MCA, is amended to read:

"75-10-204. Powers and duties of department. The department shall adopt rules governing solid waste management systems which shall include but are not limited to:

(1) requirements for the plan of operation and maintenance that must be submitted with an application under this part;

(2) the classification of disposal sites according to the physical capabilities of the site to contain the type of

solid waste to be disposed of;

(3) the procedures to be followed in the disposal, treatment, or transport of solid wastes;

(4) the suitability of the site from a public health standpoint when hydrology, geology, and climatology are considered;

(5) requirements relating to ground water monitoring, including but not limited to:

(a) information that owners and operators of municipal solid waste landfills and other disposal sites specified in 75-10-207 must submit to the department to enable the department to prepare the priority compliance list authorized by 75-10-207(3);

(b) the content of plans for the design, construction, operation, and maintenance of monitoring wells and monitoring systems; and

(c) recordkeeping and reporting; and

(6) fees related to the review of solid waste management system license applications;

(7) the renewal of solid waste management system licenses and related fees; and

+6}{8} any other factors relating to the sanitary disposal or management of solid wastes."

Section 6. Section 75-10-221, MCA, is amended to read:

"75-10-221. License required -- application. (1) Except

as provided in 75-10-214, no person may dispose of solid waste or operate a solid waste management system without a license from the department.

(2) The department shall provide application forms for a license as provided in this part.

(3) The application shall contain the name and business address of the applicant, the location of the proposed solid waste management system, a plan of operation and maintenance, and such other information as the department may by rule require.

(4) The license provided for in this section is for a period not to exceed 12 months unless renewed by the department. The department may provide exceptions to the 12-month requirement for a 2-year period following July 1, 1991.

(5) The department may require submission of a new application if the department determines that the plan of operation, the management of the solid waste system, or the geological or ground water conditions have changed since the license was initially approved.

(6) In establishing fees for licenses and the review of applications, the department shall consider the volume of waste to be managed and the size of the proposed solid waste management system. The fees must encourage reduction in the volume of waste to be managed and cover the costs to the

department of initially reviewing and annually licensing the solid waste management system."

NEW SECTION. SECTION 7. FILING FEE FOR MEGAFACILITY --
USE. AN APPLICANT FOR A LICENSE UNDER 75-10-221 TO OPERATE A
MEGAFACILITY SHALL PAY TO THE DEPARTMENT A FILING FEE AS
PROVIDED IN THIS SECTION BASED UPON THE DEPARTMENT'S
ESTIMATED COSTS OF PROCESSING THE LICENSE APPLICATION. THE
FILING FEE MUST BE DEPOSITED IN THE SOLID WASTE MANAGEMENT
ACCOUNT, PROVIDED FOR IN 75-10-117, FOR USE BY THE
DEPARTMENT IN LICENSING THE FACILITY. THE INITIAL FILING FEE
MAY NOT EXCEED THE FOLLOWING SCALE, BASED UPON THE
MEGAFACILITY'S PROJECTED ANNUAL TONNAGE OF WASTE:

(1) BASE FEE OF \$40,000; PLUS

(2) 20 CENTS A TON FOR EVERY TON OF WASTE OVER 200,000

TONS.

NEW SECTION. SECTION 8. CODIFICATION INSTRUCTION.
[SECTION 7] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART
OF TITLE 75, CHAPTER 10, PART 2, AND THE PROVISIONS OF TITLE
75, CHAPTER 10, PART 2, APPLY TO [SECTION 7].

NEW SECTION. SECTION 9. COORDINATION INSTRUCTION. IF
SENATE BILL NO. 377 IS PASSED AND APPROVED AND IF IT
INCLUDES A SECTION THAT PROVIDES A FILING FEE FOR A
CERTIFICATE OF SITE ACCEPTABILITY FOR A MEGALANDFILL, THEN
[SECTION 7 OF THIS ACT] IS VOID.

NEW SECTION. Section 10. Retroactive applicability.

1 [This act] applies retroactively, within the meaning of
2 1-2-109, to all applications provided for in 75-10-221
3 received after January 1, 1990.

4 NEW SECTION. **Section 11.** Effective date. [This act] is
5 effective July 1, 1991.

-End-

SENATE BILL NO. 209

INTRODUCED BY YELLOWTAIL, T. BECK, HARP, WEEDING, DRISCOLL,

RANEY, GILBERT, GRADY

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A SOLID WASTE MANAGEMENT SYSTEM TO BE LICENSED ANNUALLY BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; TO REQUIRE AN APPLICANT FOR A LICENSE TO PAY AN APPLICATION FEE; TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO COLLECT FEES; AMENDING SECTIONS 7-13-231, 75-10-102, 75-10-104, 75-10-115, 75-10-204, AND 75-10-221, MCA; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill to:

(1) provide the department of health and environmental sciences with guidelines for adopting rules to implement [sections 1 through 6 7];

(2) indicate the structure and amount of fees that are intended to be charged to license solid waste management systems; and

(3) indicate the method of collection.

A fee for review of a license application for a new

solid waste management system or for substantial modifications to an existing system will be charged. The fees must be based on the capacity of the proposed system and reflect the relative cost of reviewing the proposal. The following fee structure is suggested:

(1) MEGAFACILITY. \$15,000 FOR A FACILITY WITH A PLANNED CAPACITY OF MORE THAN 200,000 TONS OF SOLID WASTE PER YEAR.

~~11~~(2) Major facility. \$10,000 for a facility with a planned capacity of more than 25,000 tons of solid waste per year BUT NOT MORE THAN 200,000 TONS PER YEAR.

~~12~~(3) Intermediate facility. \$7,500 for a facility with a planned capacity of more than 5,000 tons of solid waste per year but not more than 25,000 tons per year.

~~13~~(4) Minor facility. \$5,000 for a facility with a planned capacity of not more than 5,000 tons of solid waste per year.

A fee will be charged to issue a license for a solid waste management system, and an annual fee will be charged to renew a solid waste management system license. The fees are intended to reflect a minimal base fee related to the fixed costs of an annual inspection and license renewal and ~~a--volume-fee-related-to-the-estimated-amount-of-solid-waste-to-be-disposed-of-each-year--The-following-fee-structure--is~~ suggested:

~~11--Major--facility--\$3,500--for--a--facility--with--a~~

planned capacity of more than 25,000 tons of solid waste per year.

(2) Intermediate facility, 93,000 for a facility with a planned capacity of more than 5,000 tons per year but not more than 25,000 tons per year.

(3) Minor facility, 52,500 for a facility with a planned capacity of not more than 5,000 tons per year.

In addition to the fixed fee, all solid waste management systems shall pay a volume fee in order to receive a license under 75-10-221. The initial fee should not exceed 31 cents per ton.

For the purposes of estimating the volume for small solid waste management systems or for systems that choose not to weigh or measure the volume of waste managed, the following formulas are suggested:

Solid waste should be assumed to be generated at the following per capita rates:

Population	Tons Per Year
Greater than 5,000	1.04
1,000 - 5,000	0.59
less than 1,000 and unincorporated areas	0.41

For the purpose of conversion between solid waste weight and volume, the following equivalents are suggested:

(1) One uncompacted cubic yard equals 300 pounds, and

(2) One compacted cubic yard equals 700 pounds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-13-231, MCA, is amended to read:

"7-13-231. Authorization for charges for services. (1)

To defray the cost of maintenance and operation of said refuse disposal district, the board shall establish a fee for service, with approval of the county commissioners, provided a public hearing has been held if written protest has been made as provided in 7-13-211. An increase in fees may not be approved and implemented unless notice of such increase is given as provided in 7-13-208(1) and (2) and opportunity for protest is allowed as provided in 7-13-209 and 7-13-211.

(2) This fee shall be assessed to all units in the district that are receiving a service, for the purpose of maintenance and operation of said district.

(3) An opportunity for protest or hearing is not required to increase fees for the purpose of paying fees imposed by the department of health and environmental sciences under 75-10-115. Notice must be provided to all units of the rate or portion of any rate that is directly attributable to the fee imposed."

Section 2. Section 75-10-102, MCA, is amended to read:

"75-10-102. Public policies. (1) To implement this part, the following are declared to be public policies of

1 this state:

2 (a) Maximum recycling from solid waste is necessary to
3 protect the public health, welfare, and quality of the
4 natural environment.

5 (b) Solid waste management systems shall be developed,
6 financed, planned, designed, constructed, and operated for
7 the benefit of the people of this state.

8 (c) Private industry is to be utilized to the maximum
9 extent possible in planning, designing, managing,
10 constructing, operating, manufacturing, and marketing
11 functions related to solid waste management systems.

12 (d) Local governments shall retain primary
13 responsibility for adequate solid waste management with the
14 state preserving those functions necessary to assure
15 effective solid waste management systems throughout the
16 state.

17 (e) Costs for the management and regulation of solid
18 waste management systems should be charged to those persons
19 generating solid waste in order to encourage the reduction
20 of the solid waste stream.

21 ~~f~~(f) Encouragement and support be given to
22 individuals and municipalities to separate solid waste at
23 its source in order to maximize the value of such wastes for
24 reuse.

25 ~~f~~(g) The state shall provide technical advisory

1 assistance to local governments and other affected persons
2 in the planning, developing, financing, and implementation
3 of solid waste management systems.

4 ~~f~~(h) Actions and activities performed or carried out
5 by persons and their contractors in accordance with this
6 part shall be in conformity with the state solid waste plan.

7 (2) This part is in addition and supplemental to any
8 other law providing for the financing of a solid waste
9 management system and does not amend or repeal any other
10 law."

11 **Section 3.** Section 75-10-104, MCA, is amended to read:

12 "75-10-104. Duties of department. The department shall:

13 (1) prepare a state solid waste management and resource
14 recovery plan for submission to the board;

15 (2) prepare rules necessary for the implementation of
16 this part for submission to the board, including but not
17 limited to rules:

18 (a) governing the submission of plans for a solid waste
19 management system;

20 (b) governing procedures to be followed in applying for
21 and making loans;

22 (c) governing agreements between a local government and
23 the department for grants or loans under this part;

24 (d) establishing, for the purpose of determining the
25 solid waste management fee to which a facility is subject

1 under 75-10-115, methods for determining or estimating the
2 amount of solid waste incinerated or disposed of at a
3 facility; and

4 (e) providing procedures for the quarterly collection
5 of the solid waste management fee provided for in 75-10-115;
6 and

7 (f) providing guidelines for a waiver of fees for
8 certain incineration or disposal of solid waste, as provided
9 for in 75-10-115(2);

10 (3) provide financial assistance to local governments
11 for front-end planning activities for a proposed solid waste
12 management system which is compatible with the state plan
13 whenever financial assistance is available;

14 (4) provide technical assistance to persons within the
15 state for planning, designing, constructing, financing, and
16 operating a solid waste management system in order to insure
17 that the system conforms to the state plan;

18 (5) provide front-end organizational loans for the
19 implementation of an approved solid waste management system
20 whenever funds for loans are available;

21 (6) enforce and administer the provisions of this part;

22 (7) administer loans made by the state under the
23 provisions of this part; and

24 (8) approve plans for a proposed solid waste management
25 system submitted by a local government."

1 **Section 4.** Section 75-10-115, MCA, is amended to read:

2 "75-10-115. Solid waste management fee. (1) Except as
3 provided in subsections (2) and (3), any person who owns an
4 incinerator that burns more than 1,000 tons of solid waste a
5 year or a solid waste disposal facility that is licensed
6 pursuant to 75-10-221 and rules adopted under 75-10-221 and
7 that disposes of more than 1,000 tons of solid waste a year
8 shall pay to the department a quarterly fee of \$1 for each
9 ton of solid waste generated in a different region and
10 incinerated or disposed of at the facility.

11 (2) The fee provided in subsection (1) must be waived
12 if the department finds that the incineration or disposal is
13 consistent with state solid waste management goals and
14 results in equivalent or improved protection of Montana's
15 public health, safety, welfare, and environment when
16 compared to the alternative of intraregional incineration or
17 disposal.

18 (3) The incineration or disposal of solid waste at a
19 licensed facility in the manner and quantity incinerated or
20 disposed of before May 22, 1989, is exempt from the solid
21 waste management fee. (1) The department may establish and
22 collect fees for the management and regulation of solid
23 waste disposal. These fees may include:

24 (a) a license application fee that reflects the cost of
25 reviewing a new solid waste management system or a

substantial change to an existing facility; AND

(b) an annual license renewal fee that reflects a minimal base fee related to the fixed costs of an annual inspection and license renewal; and

~~(c) -- a volume-based fee on -- solid -- waste -- disposal; AND~~ BASED UPON THE FOLLOWING FORMULA:

(I) FOR A MAJOR FACILITY WITH A PLANNED CAPACITY OF MORE THAN 25,000 TONS OF SOLID WASTE A YEAR, \$8,000;

(II) FOR AN INTERMEDIATE FACILITY WITH A PLANNED CAPACITY OF MORE THAN 5,000 TONS A YEAR BUT NOT MORE THAN 25,000 TONS PER YEAR, \$6,000; AND

(III) FOR A MINOR FACILITY WITH A PLANNED CAPACITY OF NOT MORE THAN 5,000 TONS A YEAR, \$4,000.

~~4~~(2) All fees collected must be deposited in the solid waste management account provided for in 75-10-117."

Section 5. Section 75-10-204, MCA, is amended to read:

"75-10-204. Powers and duties of department. The department shall adopt rules governing solid waste management systems which shall include but are not limited to:

(1) requirements for the plan of operation and maintenance that must be submitted with an application under this part;

(2) the classification of disposal sites according to the physical capabilities of the site to contain the type of

solid waste to be disposed of;

(3) the procedures to be followed in the disposal, treatment, or transport of solid wastes;

(4) the suitability of the site from a public health standpoint when hydrology, geology, and climatology are considered;

(5) requirements relating to ground water monitoring, including but not limited to:

(a) information that owners and operators of municipal solid waste landfills and other disposal sites specified in 75-10-207 must submit to the department to enable the department to prepare the priority compliance list authorized by 75-10-207(3);

(b) the content of plans for the design, construction, operation, and maintenance of monitoring wells and monitoring systems; and

(c) recordkeeping and reporting; and

(6) fees related to the review of solid waste management system license applications;

(7) the renewal of solid waste management system licenses and related fees; and

~~6~~(8) any other factors relating to the sanitary disposal or management of solid wastes."

Section 6. Section 75-10-221, MCA, is amended to read:

"75-10-221. License required -- application. (1) Except

as provided in 75-10-214, no person may dispose of solid waste or operate a solid waste management system without a license from the department.

(2) The department shall provide application forms for a license as provided in this part.

(3) The application shall contain the name and business address of the applicant, the location of the proposed solid waste management system, a plan of operation and maintenance, and such other information as the department may by rule require.

(4) The license provided for in this section is for a period not to exceed 12 months unless renewed by the department. The department may provide exceptions to the 12-month requirement for a 2-year period following July 1, 1991.

(5) The department may require submission of a new application if the department determines that the plan of operation, the management of the solid waste system, or the geological or ground water conditions have changed since the license was initially approved.

(6) In establishing fees for licenses and the review of applications, the department shall consider the volume of waste to be managed and the size of the proposed solid waste management system. The fees must encourage reduction in the volume of waste to be managed and cover the costs to the

department of initially reviewing and annually licensing the solid waste management system."

NEW SECTION. SECTION 7. FILING FEE FOR MEGAFACILITY --
USE. AN APPLICANT FOR A LICENSE UNDER 75-10-221 TO OPERATE A
MEGAFACILITY SHALL PAY TO THE DEPARTMENT A FILING FEE AS
PROVIDED IN THIS SECTION BASED UPON THE DEPARTMENT'S
ESTIMATED COSTS OF PROCESSING THE LICENSE APPLICATION. THE
FILING FEE MUST BE DEPOSITED IN THE SOLID WASTE MANAGEMENT
ACCOUNT, PROVIDED FOR IN 75-10-117, FOR USE BY THE
DEPARTMENT IN LICENSING THE FACILITY. THE INITIAL FILING FEE
MAY NOT EXCEED THE FOLLOWING SCALE, BASED UPON THE
MEGAFACILITY'S PROJECTED ANNUAL TONNAGE OF WASTE:

(1) BASE FEE OF \$40,000; PLUS

(2) 20 CENTS A TON FOR EVERY TON OF WASTE OVER 200,000

TONS.

NEW SECTION. SECTION 8. CODIFICATION INSTRUCTION.
[SECTION 7] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART
OF TITLE 75, CHAPTER 10, PART 2, AND THE PROVISIONS OF TITLE
75, CHAPTER 10, PART 2, APPLY TO [SECTION 7].

NEW SECTION. SECTION 9. COORDINATION INSTRUCTION. IF
SENATE BILL NO. 377 IS PASSED AND APPROVED AND IF IT
INCLUDES A SECTION THAT PROVIDES A FILING FEE FOR A
CERTIFICATE OF SITE ACCEPTABILITY FOR A MEGALANDFILL, THEN
[SECTION 7 OF THIS ACT] IS VOID.

NEW SECTION. Section 10. Retroactive applicability.

1 [This act] applies retroactively, within the meaning of
2 1-2-109, to all applications provided for in 75-10-221
3 received after January 1, 1990.

4 NEW SECTION. **Section 11.** Effective date. [This act] is
5 effective July 1, 1991.

-End-

HOUSE STANDING COMMITTEE REPORT

March 20, 1991
Page 2 of 2

March 20, 1991

Page 1 of 2

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 209 (third reading copy -- blue) be concurred in as amended.

Signed: _____

Bob Rahey
Bob Rahey, Chairman

Carried by: Rep. Gilbert

And, that such amendments read:

1. Page 2, line 21.
Following: "renewal"

Insert: "and a volume fee related to the estimated amount of solid waste to be disposed of each year. All solid waste systems must pay these fees in order to receive a license under 75-10-221. The initial volume fee may not exceed 31 cents per ton.

For the purposes of estimating the volume for small solid waste management systems or for systems that choose not to weigh or measure the volume of waste managed, the following formulas are suggested:

Solid waste should be assumed to be generated at the following per capita rates:

Population	Tons Per Year
Greater than 5,000	1.04
1,000 - 5,000	0.59
Less than 1,000 and unincorporated areas	0.41

For the purpose of conversion between solid waste weight and volume, the following equivalents are suggested:

- (1) One uncompacted cubic yard equals 300 pounds; and
- (2) One compacted cubic yard equals 700 pounds."

2. Page 9, line 1.
Strike: "AND"

3. Page 9, line 8.
Strike: "\$8,000"
Insert: "\$3,500"

4. Page 9, line 11.
Strike: "\$6,000; AND"
Insert: "\$3,000;"

5. Page 9, line 13.

Strike: "\$4,000."

Insert: "\$2,500; and

(c) a volume-based fee on solid waste disposal."

6. Page 12, line 21.

Strike: "SENATE"

Insert: "House"

SB 209

HOUSE

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 209 (third reading copy -- blue), respectfully report that House Bill No. 209 be amended and as so amended be concurred in:

1. Title, line 5.

Following: "VEHICLE"

Insert: ", BOAT, SNOWMOBILE, OR OFF-HIGHWAY VEHICLE"

2. Title, line 7.

Strike: "SECTION"

Insert: "SECTIONS 23-2-508, 23-2-611, 23-2-811, AND"

3. Page 3, line 12.

Following: "notice"Strike: "is"

Insert: "and the certificate of ownership or manufacturer's statement of origin are"

4. Page 3, line 20.

Following: line 19

Insert: "(6) Security interests or other lien filings that do not require transfer of ownership are perfected when received by the department. On that date, the department shall issue to the secured party a receipt evidencing the perfection. Perfection under this subsection constitutes constructive notice to subsequent purchasers or encumbrancers, from the date the lien notice is delivered to the department, of the existence of the security interest."

Renumber: subsequent subsections

5. Page 5, line 12.

Insert: "Section 2. Section 23-2-508, MCA, is amended to read: "23-2-508. Certificate of ownership -- filing of security interests. (1) Except as provided in subsection (9), a motorboat or sailboat 12 feet in length or longer may not be operated upon the waters of the state unless a certificate of ownership has first been obtained from the department of justice in accordance with the laws of this state.

(2) The owner of a motorboat or sailboat 12 feet in length or longer shall apply for a certificate of ownership and a certificate of number with the county treasurer of the county in which the owner resides, upon forms furnished by the department of justice. The forms must require the following information:

- (a) name of the owner;
- (b) residence of the owner, by town or county;
- (c) business or home address of the owner;
- (d) name and address of any lienholder;

(e) amount due under any contract or lien;

(f) name of the manufacturer;

(g) model number or name;

(h) identification number;

(i) name and address of the dealer or other person from whom acquired, if known; and

(j) such other information as the department of justice may require.

(3) The application is to be accompanied by documentation of ownership, such as an invoice, bill of sale, foreign title, official certificate of boat number, fee in lieu of tax receipt, or a certificate of ownership of a trailer purchased with the motorboat or sailboat. An applicant who fails to provide such proof of ownership shall provide a certified statement describing how the motorboat or sailboat 12 feet in length or longer was acquired, from whom acquired if known, and other information requested by the department of justice.

(4) If a certificate of ownership has previously been issued under the provisions of this part, the application for a new certificate must be accompanied by the immediately previous certificate. This subsection does not apply to motorboats or sailboats 12 feet in length or longer that are purchased as new and unused vessels or that were operated when the provisions of this part were not in force and effect.

(5) Any motorboat or sailboat 12 feet in length or longer that does not have a manufacturer's or other identifying number thereon must be assigned an identification number by the department of fish, wildlife, and parks. A fee of \$1 must be paid to the department for an assignment of number.

(6) Upon completion of the application, the county treasurer shall issue to the applicant two copies of the certificate of number application, one of which must be marked "file copy". The treasurer shall forward one copy and the original application for a certificate of ownership to the department of justice, which shall enter the information contained in the application upon the corresponding records of its office, and shall furnish the applicant a certificate of ownership containing that information in the application considered necessary by the department and a permanent boat number. The certificate of ownership need not be renewed annually and is valid as long as the person holding it owns the vessel.

(7) The owner shall at all times retain possession of the certificate of ownership, except when it is being transmitted to and from the department of justice for endorsement or cancellation.

(8) Upon application for a certificate of ownership, a fee of \$5 must be paid to the county treasurer, \$3.50 of which must be forwarded by the county treasurer to the department of justice and deposited in the general fund.

(9) A person who, on July 1, 1988, is the owner of a motorboat or sailboat 12 feet in length or longer with a valid certificate of number issued by the state is not required to file an application for a certificate of ownership for the motorboat or sailboat unless he transfers a part of his interest in the motorboat or sailboat or he renews the certificate of number for the motorboat or sailboat.

(10) A security interest in a boat is not valid as against creditors, subsequent purchasers, or encumbrancers unless a lien notice, showing that a security interest has been created, has been filed with the department of justice perfected as provided in this section. The lien notice must be filed on a form approved by the department [of justice]. The department of justice may not file a security interest or other lien unless it is accompanied by or specified in the application for a certificate of ownership of the boat encumbered. If the lien notice is transmitted to the department of justice, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, the complete boat description, the amount of the lien, and the signature of the debtor. The department of justice shall file the security interest or lien by entering the name and address of the secured party upon the face of the certificate of ownership. The department of justice shall mail a statement certifying the filing of a security interest or lien to the secured party. The department of justice shall mail the certificate of ownership to the owner at the address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department of justice shall return the certificate of ownership to the county treasurer of the county where the boat is to be registered. The owner of a boat is the person entitled to operate and possess the boat.

(11) A security interest in a boat held as inventory by a dealer must be perfected in accordance with Title 30, chapter 9, and no endorsement on the certificate of title is necessary for perfection.

(12) Whenever a security interest or lien is filed against a boat that is subject to two security interests previously perfected by filing under this section, the department of justice shall endorse on the face of the certificate of ownership: "NOTICE. This boat is subject to additional security interest on file with the Department of Justice." No other information

regarding the additional security interests need be endorsed on the certificate.

(13) Satisfaction or statements of release filed with the department of justice under this part must be retained for a period of 8 years after receipt, after which they may be destroyed.

(14) ~~The filing of a A security interest or other lien as herein provided in this section perfects a security interest that has attached at the time the certificate of ownership noting the interest is issued is perfected on the date the lien notice is delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection. Issuance of a certificate of ownership Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from the time of filing date of delivery of the lien notice to the county treasurer, of the existence of the security interest.~~

(15) Upon default under a chattel mortgage or conditional sales contract covering a boat, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of a boat all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable, except that deposits must be made with the department of justice.

(16) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a chattel mortgage, assignment, or conditional sales contract within 15 days after receiving final payment is required to pay the department of justice the sum of \$1 for each day that he fails to file the satisfaction.

(17) Upon receipt of any liens, notice of liens dependent on possession, or attachments against the record of any boat registered in this state, the department of justice shall within 24 hours mail to the owner, conditional sales vendor, mortgagee, or their assignee a notice showing the name and address of the lien claimant, the amount of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court, the action, and the name of the attorney for the plaintiff or the name of the attaching creditor, or both.

(18) It is not necessary to refile with the department of justice any instruments on file in the office of any county clerk and recorder on October 1, 1989.

(19) A fee of \$4 must be paid to the department of justice to file any security interest or other lien against a boat. The \$4 fee must cover the cost of filing a satisfaction or release of the security interest and the cost of entering the satisfaction or release on the records of the department of justice and deleting the endorsement of the security interest from the face of the certificate of ownership. A fee of \$4 must be paid to the

department of justice for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on file with the department of justice or for filing an assignment of any security interest or other lien on file with the department of justice. All fees provided for in this section must be paid to the county treasurer for deposit in the general fund in accordance with 15-1-504."

Section 3. Section 23-2-611, MCA, is amended to read:
"23-2-611. Certificate of ownership -- filing of security interests. (1) A snowmobile may not be operated upon any public lands, trails, easements, lakes, rivers, streams, roadways or shoulders of roadways, streets, or highways unless a certificate of ownership has first been obtained from the department of justice in accordance with the laws of this state.
(2) The owner of a snowmobile shall apply for a certificate of ownership with the county treasurer of the county in which the owner resides, upon forms to be furnished for this purpose. The forms must require the following information:
(a) name of the owner;
(b) residence of the owner, by town and county;
(c) business or home mail address of the owner;
(d) name and address of any lienholder;
(e) amount due under any contract or lien;
(f) name of the manufacturer;
(g) model number or name;
(h) identification number; and
(i) name and address of the dealer or other person from whom acquired.
(3) The application must be signed by at least one owner or by a properly authorized officer or representative of the owner.
(4) If a certificate of ownership has previously been issued under the provisions of 23-2-601 through 23-2-644, the application for a new certificate must be accompanied by the immediately previous certificate. This subsection does not apply to snowmobiles that are purchased as new and unused machines or that were operated when the provisions of 23-2-601 through 23-2-644 were not in force and effect.
(5) Upon completion of the application, on forms furnished by the department of justice, the county treasurer shall issue to the applicant two copies of the application, one of which shall be marked "file copy". The treasurer shall forward one copy and the original application to the department of justice, which shall enter the information contained in the application upon the corresponding records of its office and shall furnish the applicant a certificate of ownership, which shall contain that information in the application considered necessary by the department of justice, and a permanent ownership number. The

certificate of ownership is not to be renewed annually and is valid as long as the person holding it owns the snowmobile.

(6) The owner shall at all times retain possession of the certificate of ownership, except when it is being transmitted to and from the department of justice for endorsement or cancellation.

(7) Upon application for a certificate of ownership, a fee of \$5 shall be paid to the county treasurer, \$3.50 of which shall be forwarded by the county treasurer to the department of justice and deposited in the general fund.

(8) A security interest in a snowmobile is not valid as against creditors, subsequent purchasers, or encumbrancers unless a lien notice, showing that a security interest has been created, has been filed with the department of justice perfected as provided in this section. The lien notice must be filed on a form approved by the department of justice. The department of justice may not file a security interest or other lien unless it is accompanied by or specified in the application for a certificate of ownership of the snowmobile encumbered. If the lien notice is transmitted to the department of justice, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, the complete snowmobile description, the amount of the lien, and the signature of the debtor. The department of justice shall file the security interest or lien by entering the name and address of the secured party upon the face of the certificate of ownership. The department of justice shall mail a statement certifying the filing of a security interest or lien to the secured party. The department of justice shall mail the certificate of ownership to the owner at the address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department of justice shall return the certificate of ownership to the county treasurer of the county where the snowmobile is to be registered. The owner of a snowmobile is the person entitled to operate and possess the snowmobile.

(9) A security interest in a snowmobile held as inventory by a dealer must be perfected in accordance with Title 30, chapter 9, and no endorsement on the certificate of title is necessary for perfection.

(10) Whenever a security interest or lien is filed against a snowmobile that is subject to two security interests previously perfected by filing under this section, the department of justice shall endorse on the face of the certificate of ownership: "NOTICE. This snowmobile is subject to additional security interest on file with the Department of Justice". No other

information regarding the additional security interests need be endorsed on the certificate.

(11) Satisfaction or statements of release filed with the department of justice under this part must be retained for a period of 8 years after receipt, after which they may be destroyed.

(12) ~~The filing of a~~ A security interest or other lien as herein provided in this section perfects a security interest that has attached at the time the certificate of ownership noting the interest is issued is perfected on the date the lien notice is delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection. Issuance of a certificate of ownership Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from the time of filing date of delivery of the lien notice to the county treasurer, of the existence of the security interest.

(13) Upon default under a chattel mortgage or conditional sales contract covering a snowmobile, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of a snowmobile all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable, except that deposits must be made with the department of justice.

(14) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a chattel mortgage, assignment, or conditional sales contract within 15 days after receiving final payment is required to pay the department of justice the sum of \$1 for each day that he fails to file the satisfaction.

(15) Upon receipt of any liens, notice of liens dependent on possession, or attachments against the record of any snowmobile registered in this state, the department of justice shall within 24 hours mail to the owner, conditional sales vendor, mortgagee, or their assignee a notice showing the name and address of the lien claimant, the amount of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court, the action, and the name of the attorney for the plaintiff or the name of the attaching creditor, or both.

(16) It is not necessary to refile with the department of justice any instruments on file in the office of the county clerk and recorder on October 1, 1989.

(17) A fee of \$4 must be paid to the department of justice to file any security interest or other lien against a snowmobile. The \$4 fee must cover the cost of filing a satisfaction or release of the security interest and the cost of entering the satisfaction or release on the records of the department of justice and deleting the endorsement of the security interest from the face of the certificate of ownership. A fee of \$4 must

be paid to the department of justice for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on file with the department of justice or for filing an assignment of a security interest or other lien on file with the department of justice. All fees provided for in this section must be paid to the county treasurer for deposit in the general fund in accordance with 15-1-504."

Section 4. Section 23-2-811, MCA, is amended to read:
"23-2-811. Certificate of ownership -- procedure -- fee -- filing security interest. (1) No off-highway vehicle may be operated upon any public lands, trails, easements, lakes, rivers, or streams unless a certificate of ownership has first been obtained from the department of justice.

(2) The owner of an off-highway vehicle shall apply for a certificate of ownership to the county treasurer of the county in which the owner resides, on a form furnished by the department of justice for that purpose. The form must include:

- (a) the name of the owner;
 - (b) the residence of the owner, by town and county;
 - (c) the business address or home mailing address of the owner;
 - (d) the name and address of any lienholder;
 - (e) the amount due under any contract, mortgage, or lien;
 - (f) the name of the manufacturer;
 - (g) the model number or name;
 - (h) the identification number; and
 - (i) the name and address of the dealer or other person from whom the off-highway vehicle was acquired.
- (3) The application must be signed by at least one owner or by a properly authorized agent of the owner.
- (4) The application for a new certificate of ownership must be accompanied by the immediately previous certificate. This subsection does not apply to off-highway vehicles that are purchased as new and unused machines or that were operated before January 1, 1990.

(5) (a) After the owner completes the application form, the county treasurer shall issue to the applicant two copies of the completed application, with one marked "file copy", and shall forward one copy and the original application to the department of justice. The department of justice shall enter the information contained in the application upon the corresponding records of its office and shall send the applicant a certificate of ownership containing a permanent ownership number and information from the application considered necessary by the department of justice.

(b) The certificate of ownership is not required to be renewed annually and is valid as long as the person holding it owns the off-highway vehicle.

(6) The owner shall at all times retain possession of the certificate of ownership, except when it is being transmitted to and from the department of justice for endorsement or cancellation.

(7) Upon application for a certificate of ownership, a fee of \$4.55 must be paid to the county treasurer, of which:

(a) \$3.50 must be forwarded to the department of justice for deposit in the general fund; and

(b) \$1.50 must be retained by the county treasurer for the cost of administering this section.

(8) A security interest in an off-highway vehicle is not valid against creditors, subsequent purchasers, or encumbrancers unless a lien notice, showing that a security interest has been created, has been perfected as provided in this section on a form approved by the department of justice. The department of justice may not file a security interest or other lien unless it is accompanied by or specified in the application for a certificate of ownership of the encumbered off-highway vehicle. If the lien notice is transmitted to the department of justice, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, a complete description of the off-highway vehicle, the amount of the lien, and the signature of the debtor. The department of justice shall file the security interest or lien by entering the name and address of the secured party upon the face of the certificate of ownership. The department of justice shall mail a statement certifying the filing of a security interest or lien to the secured party. The department of justice shall mail the certificate of ownership to the owner at the address given on the certificate. However, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department of justice shall return the certificate of ownership to the county treasurer of the county where the vehicle is to be registered. The owner of an off-highway vehicle is the person entitled to operate and possess the vehicle.

(9) A security interest in an off-highway vehicle held as inventory by a dealer must be perfected in accordance with Title 30, chapter 9, and no endorsement on the certificate of title is necessary for perfection.

(10) Whenever a security interest or lien is filed against an off-highway vehicle that is subject to two or more security interests previously perfected under this section, the department of justice shall endorse on the face of the certificate of

ownership: "Notice. This off-highway vehicle is subject to additional security interests on file with the Department of Justice." Other information regarding the additional security interests need not be endorsed on the certificate.

(11) Satisfaction or statements of release filed with the department of justice under this section must be retained for a period of 8 years from the date of receipt, after which they may be destroyed.

(12) A security interest or other lien is perfected as provided in this section on the date the lien notice is delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection. Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from the date of delivery of the lien notice to the county treasurer, of the existence of the security interest.

(13) Upon default under a chattel mortgage or conditional sales contract covering an off-highway vehicle, the mortgagee or vendor has the same remedies as in the case of other personal property. In the case of attachment of an off-highway vehicle, the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable, except that deposits must be made with the department of justice.

(14) A conditional sales vendor, chattel mortgagee, or assignee who fails to file a satisfaction of a chattel mortgage, assignment, or conditional sale contract within 15 days after receiving final payment shall pay to the department of justice the sum of \$1 for each day after the expiration of the 15-day period that he fails to file the satisfaction.

(15) Upon receipt of any liens, notices of liens dependent on possession, or attachments against the record of an off-highway vehicle in this state, the department of justice shall within 24 hours mail to the owner, conditional sales vendor, mortgagee, or their assignee a notice of the lien, showing the date of execution of the lien and, in the case of attachment, the full title of the court, the action, and the name of the attorney for the plaintiff or the name of the attaching creditor, or both.

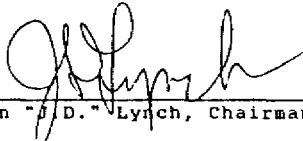
(16) It is not necessary to refile with the department of justice instruments on file in the offices of the county clerk and recorders at the time this law takes effect.

(17) A fee of \$4 must be paid to the department of justice to file a security interest or other lien against an off-highway vehicle. The \$4 fee includes and covers the cost of filing a satisfaction or release of the security interest and also the cost of entering the satisfaction or release on the records of the department of justice and deleting the endorsement of the security interest from the face of the certificate of ownership. A fee of \$4 must be paid to the department of justice for issuing

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a certified copy of a certificate of ownership subject to a security interest or other lien on file in the office of the department of justice or for filing an assignment of a security interest or other lien on file with the department of justice. All fees provided for in this section must be paid to the county treasurer for deposit in the state general fund in accordance with 15-1-504."

Signed: _____


John "D." Lynch, Chairman

3-18-91
Ad. Coord.

SB 3/18 2:25
Sec. of Senate

SENATE BILL NO. 209

INTRODUCED BY YELLOWTAIL, T. BECK, HARP, WEEDING, DRISCOLL,

RANEY, GILBERT, GRADY

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A SOLID WASTE MANAGEMENT SYSTEM TO BE LICENSED ANNUALLY BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; TO REQUIRE AN APPLICANT FOR A LICENSE TO PAY AN APPLICATION FEE; TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO COLLECT FEES; AMENDING SECTIONS 7-13-231, 75-10-102, 75-10-104, 75-10-115, 75-10-204, AND 75-10-221, MCA; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill to:

(1) provide the department of health and environmental sciences with guidelines for adopting rules to implement [sections 1 through 6 7];

(2) indicate the structure and amount of fees that are intended to be charged to license solid waste management systems; and

(3) indicate the method of collection.

A fee for review of a license application for a new

solid waste management system or for substantial modifications to an existing system will be charged. The fees must be based on the capacity of the proposed system and reflect the relative cost of reviewing the proposal. The following fee structure is suggested:

(1) MEGAFACILITY. \$15,000 FOR A FACILITY WITH A PLANNED CAPACITY OF MORE THAN 200,000 TONS OF SOLID WASTE PER YEAR.

(2) Major facility. \$10,000 for a facility with a planned capacity of more than 25,000 tons of solid waste per year BUT NOT MORE THAN 200,000 TONS PER YEAR.

(3) Intermediate facility. \$7,500 for a facility with a planned capacity of more than 5,000 tons of solid waste per year but not more than 25,000 tons per year.

(4) Minor facility. \$5,000 for a facility with a planned capacity of not more than 5,000 tons of solid waste per year.

A fee will be charged to issue a license for a solid waste management system, and an annual fee will be charged to renew a solid waste management system license. The fees are intended to reflect a minimal base fee related to the fixed costs of an annual inspection and license renewal AND A VOLUME FEE RELATED TO THE ESTIMATED AMOUNT OF SOLID WASTE TO BE DISPOSED OF EACH YEAR. ALL SOLID WASTE SYSTEMS MUST PAY THESE FEES IN ORDER TO RECEIVE A LICENSE UNDER 75-10-221. THE INITIAL VOLUME FEE MAY NOT EXCEED 31 CENTS

PER TON.

FOR THE PURPOSES OF ESTIMATING THE VOLUME FOR SMALL SOLID WASTE MANAGEMENT SYSTEMS OR FOR SYSTEMS THAT CHOOSE NOT TO WEIGH OR MEASURE THE VOLUME OF WASTE MANAGED, THE FOLLOWING FORMULAS ARE SUGGESTED:

SOLID WASTE SHOULD BE ASSUMED TO BE GENERATED AT THE FOLLOWING PER CAPITA RATES:

<u>POPULATION</u>	<u>TONS PER YEAR</u>
<u>GREATER THAN 5,000</u>	<u>1.04</u>
<u>1,000 - 5,000</u>	<u>0.59</u>
<u>LESS THAN 1,000 AND UNINCORPORATED AREAS</u>	<u>0.41</u>

FOR THE PURPOSE OF CONVERSION BETWEEN SOLID WASTE WEIGHT AND VOLUME, THE FOLLOWING EQUIVALENTS ARE SUGGESTED:

(1) ONE UNCOMPACTED CUBIC YARD EQUALS 300 POUNDS; AND

(2) ONE COMPACTED CUBIC YARD EQUALS 700 POUNDS. and-a

volume-fee-related-to-the-estimated-amount-of-solid-waste-to-be-disposed-of-each-year. The--following--fee--structure--is suggested:

{1}--Major--facility--\$3,500--for--a--facility--with--a planned-capacity-of-more-than-25,000-tons-of-solid-waste-per year.

{2}--Intermediate-facility--\$3,000--for-a-facility-with-a planned--capacity--of--more-than-5,000-tons-per-year-but-not more-than-25,000-tons-per-year.

{3}--Minor--facility--\$2,500--for--a--facility--with--a

planned-capacity-of-not-more-than-5,000-tons-per-year.

In-addition-to-the-fixed-fee, all-solid-waste-management systems shall pay a volume fee in order to receive a license under 75-10-221. The initial fee should not exceed 31 cents per ton.

For--the--purposes--of--estimating--the--volume--for--small solid-waste-management-systems--or--for--systems--that--choose not--to--weigh--or--measure--the--volume--of--waste--managed, the following formulas are suggested:

Solid-waste-should-be-assumed-to--be--generated--at--the following-per-capita-rates:

<u>Population</u>	<u>Tons-Per-Year</u>
<u>Greater-than-5,000</u>	<u>1.04</u>
<u>1,000--5,000</u>	<u>0.59</u>
<u>less-than-1,000-and-unincorporated-areas</u>	<u>0.41</u>

For-the-purpose-of-conversion-between-solid-waste-weight and-volume, the-following-equivalents-are-suggested:

{1}--One-uncompacted-cubic-yard-equals-300-pounds; and

{2}--One-compacted-cubic-yard-equals-700-pounds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-13-231, MCA, is amended to read:

"7-13-231. Authorization for charges for services. (1)

To defray the cost of maintenance and operation of said refuse disposal district, the board shall establish a fee

for service, with approval of the county commissioners, provided a public hearing has been held if written protest has been made as provided in 7-13-211. An increase in fees may not be approved and implemented unless notice of such increase is given as provided in 7-13-208(1) and (2) and opportunity for protest is allowed as provided in 7-13-209 and 7-13-211.

(2) This fee shall be assessed to all units in the district that are receiving a service, for the purpose of maintenance and operation of said district.

(3) An opportunity for protest or hearing is not required to increase fees for the purpose of paying fees imposed by the department of health and environmental sciences under 75-10-115. Notice must be provided to all units of the rate or portion of any rate that is directly attributable to the fee imposed."

Section 2. Section 75-10-102, MCA, is amended to read:

"75-10-102. Public policies. (1) To implement this part, the following are declared to be public policies of this state:

(a) Maximum recycling from solid waste is necessary to protect the public health, welfare, and quality of the natural environment.

(b) Solid waste management systems shall be developed, financed, planned, designed, constructed, and operated for

the benefit of the people of this state.

(c) Private industry is to be utilized to the maximum extent possible in planning, designing, managing, constructing, operating, manufacturing, and marketing functions related to solid waste management systems.

(d) Local governments shall retain primary responsibility for adequate solid waste management with the state preserving those functions necessary to assure effective solid waste management systems throughout the state.

(e) Costs for the management and regulation of solid waste management systems should be charged to those persons generating solid waste in order to encourage the reduction of the solid waste stream.

~~(e)~~(f) Encouragement and support be given to individuals and municipalities to separate solid waste at its source in order to maximize the value of such wastes for reuse.

~~(f)~~(g) The state shall provide technical advisory assistance to local governments and other affected persons in the planning, developing, financing, and implementation of solid waste management systems.

~~(g)~~(h) Actions and activities performed or carried out by persons and their contractors in accordance with this part shall be in conformity with the state solid waste plan.

(2) This part is in addition and supplemental to any other law providing for the financing of a solid waste management system and does not amend or repeal any other law."

Section 3. Section 75-10-104, MCA, is amended to read:

"75-10-104. Duties of department. The department shall:

(1) prepare a state solid waste management and resource recovery plan for submission to the board;

(2) prepare rules necessary for the implementation of this part for submission to the board, including but not limited to rules:

(a) governing the submission of plans for a solid waste management system;

(b) governing procedures to be followed in applying for and making loans;

(c) governing agreements between a local government and the department for grants or loans under this part;

(d) establishing, for the purpose of determining the solid waste management fee to which a facility is subject under 75-10-115, methods for determining or estimating the amount of solid waste incinerated or disposed of at a facility; and

(e) providing procedures for the quarterly collection of the solid waste management fee provided for in 75-10-115; and

~~{f}--providing--guidelines--for--a--waiver--of--fees--for--certain-incineration-or-disposal-of-solid-waste,--as-provided--for--in--75-10-115(2);~~

(3) provide financial assistance to local governments for front-end planning activities for a proposed solid waste management system which is compatible with the state plan whenever financial assistance is available;

(4) provide technical assistance to persons within the state for planning, designing, constructing, financing, and operating a solid waste management system in order to insure that the system conforms to the state plan;

(5) provide front-end organizational loans for the implementation of an approved solid waste management system whenever funds for loans are available;

(6) enforce and administer the provisions of this part;

(7) administer loans made by the state under the provisions of this part; and

(8) approve plans for a proposed solid waste management system submitted by a local government."

Section 4. Section 75-10-115, MCA, is amended to read:

"75-10-115. Solid waste management fee. ~~{1}~~--Except-as-provided-in-subsections-(2)-and-(3),-any-person-who-owns--an-incinerator-that-burns-more-than-1,000-tons-of-solid-waste-a-year--or--a--solid--waste-disposal-facility-that-is-licensed-pursuant-to-75-10-221-and-rules-adopted-under-75-10-221--and

that--disposes-of-more-than-1,000-tons-of-solid-waste-a-year shall-pay-to-the-department-a-quarterly-fee-of-\$1--for--each ton--of--solid--waste--generated--in--a-different-region-and incinerated-or-disposed-of-at-the-facility-

(2)--The-fee-provided-in-subsection-(1)-must--be--waived if-the-department-finds-that-the-incineration-or-disposal-is consistent--with--state--solid--waste--management--goals-and results-in-equivalent-or-improved--protection--of--Montana's public---health,---safety,---welfare,---and--environment--when compared-to-the-alternative-of-intraregional-incineration-or disposal-

(3)--The-incineration-or-disposal-of-solid--waste--at--a licensed--facility-in-the-manner-and-quantity-incinerated-or disposed-of-before-May-22,1989,--is-exempt--from--the--solid waste--management-fee- (1) The department may establish and collect fees for the management and regulation of solid waste disposal. These fees may include:

(a) a license application fee that reflects the cost of reviewing a new solid waste management system or a substantial change to an existing facility; AND

(b) an annual license renewal fee that reflects a minimal base fee related to the fixed costs of an annual inspection and license renewal; and

(c) a volume-based-fee-on--solid--waste--disposal; AND
BASED UPON THE FOLLOWING FORMULA:

(I) FOR A MAJOR FACILITY WITH A PLANNED CAPACITY OF MORE THAN 25,000 TONS OF SOLID WASTE A YEAR, \$8,000 \$3,500;

(II) FOR AN INTERMEDIATE FACILITY WITH A PLANNED CAPACITY OF MORE THAN 5,000 TONS A YEAR BUT NOT MORE THAN 25,000 TONS PER YEAR, \$6,000; AND \$3,000;

(III) FOR A MINOR FACILITY WITH A PLANNED CAPACITY OF NOT MORE THAN 5,000 TONS A YEAR, \$4,000; \$2,500; AND

(C) A VOLUME-BASED FEE ON SOLID WASTE DISPOSAL.

(4)(2) All fees collected must be deposited in the solid waste management account provided for in 75-10-117."

Section 5. Section 75-10-204, MCA, is amended to read:

"75-10-204. Powers and duties of department. The department shall adopt rules governing solid waste management systems which shall include but are not limited to:

(1) requirements for the plan of operation and maintenance that must be submitted with an application under this part;

(2) the classification of disposal sites according to the physical capabilities of the site to contain the type of solid waste to be disposed of;

(3) the procedures to be followed in the disposal, treatment, or transport of solid wastes;

(4) the suitability of the site from a public health standpoint when hydrology, geology, and climatology are

considered;

(5) requirements relating to ground water monitoring, including but not limited to:

(a) information that owners and operators of municipal solid waste landfills and other disposal sites specified in 75-10-207 must submit to the department to enable the department to prepare the priority compliance list authorized by 75-10-207(3);

(b) the content of plans for the design, construction, operation, and maintenance of monitoring wells and monitoring systems; and

(c) recordkeeping and reporting; and

(6) fees related to the review of solid waste management system license applications;

(7) the renewal of solid waste management system licenses and related fees; and

(6)(8) any other factors relating to the sanitary disposal or management of solid wastes."

Section 6. Section 75-10-221, MCA, is amended to read:

"75-10-221. License required -- application. (1) Except as provided in 75-10-214, no person may dispose of solid waste or operate a solid waste management system without a license from the department.

(2) The department shall provide application forms for a license as provided in this part.

(3) The application shall contain the name and business address of the applicant, the location of the proposed solid waste management system, a plan of operation and maintenance, and such other information as the department may by rule require.

(4) The license provided for in this section is for a period not to exceed 12 months unless renewed by the department. The department may provide exceptions to the 12-month requirement for a 2-year period following July 1, 1991.

(5) The department may require submission of a new application if the department determines that the plan of operation, the management of the solid waste system, or the geological or ground water conditions have changed since the license was initially approved.

(6) In establishing fees for licenses and the review of applications, the department shall consider the volume of waste to be managed and the size of the proposed solid waste management system. The fees must encourage reduction in the volume of waste to be managed and cover the costs to the department of initially reviewing and annually licensing the solid waste management system."

NEW SECTION. SECTION 7. FILING FEE FOR MEGAFACILITY -- USE. AN APPLICANT FOR A LICENSE UNDER 75-10-221 TO OPERATE A MEGAFACILITY SHALL PAY TO THE DEPARTMENT A FILING FEE AS

1 PROVIDED IN THIS SECTION BASED UPON THE DEPARTMENT'S
 2 ESTIMATED COSTS OF PROCESSING THE LICENSE APPLICATION. THE
 3 FILING FEE MUST BE DEPOSITED IN THE SOLID WASTE MANAGEMENT
 4 ACCOUNT, PROVIDED FOR IN 75-10-117, FOR USE BY THE
 5 DEPARTMENT IN LICENSING THE FACILITY. THE INITIAL FILING FEE
 6 MAY NOT EXCEED THE FOLLOWING SCALE, BASED UPON THE
 7 MEGAFACILITY'S PROJECTED ANNUAL TONNAGE OF WASTE:

8 (1) BASE FEE OF \$40,000; PLUS

9 (2) 20 CENTS A TON FOR EVERY TON OF WASTE OVER 200,000

10 TONS.

11 NEW SECTION. SECTION 8. CODIFICATION INSTRUCTION.

12 [SECTION 7] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART
 13 OF TITLE 75, CHAPTER 10, PART 2, AND THE PROVISIONS OF TITLE
 14 75, CHAPTER 10, PART 2, APPLY TO [SECTION 7].

15 NEW SECTION. SECTION 9. COORDINATION INSTRUCTION. IF

16 SENATE HOUSE BILL NO. 377 IS PASSED AND APPROVED AND IF IT
 17 INCLUDES A SECTION THAT PROVIDES A FILING FEE FOR A
 18 CERTIFICATE OF SITE ACCEPTABILITY FOR A MEGALANDFILL, THEN
 19 [SECTION 7 OF THIS ACT] IS VOID.

20 NEW SECTION. Section 10. Retroactive applicability.

21 [This act] applies retroactively, within the meaning of
 22 1-2-109, to all applications provided for in 75-10-221
 23 received after January 1, 1990.

24 NEW SECTION. Section 11. Effective date. [This act] is

25 effective July 1, 1991.

-End-

-13-

Ms. Ferguson said the law was not changed but the funding was deleted for mandated consultation. In 1987 she was chief of the nursing bureau which was dissolved through legislative action. The functions have not been provided because of lack of funds.

Senator Jacobson asked about using maternal child health funds.

Senator Franklin said that has not been formally discussed. It may have been an independent interest by Gallatin County.

Closing by Sponsor:

Senator Franklin closed by saying nurses have always done informal networking. The reality is that the true availability of services is nonexistent. Setting up an immunization program, ambulatory center or a medication clinic and responding to health needs is an on-going issue for every rural public health nurse. This type of nursing is very different than other types practiced. It responds to the most unusual and broad variety of health problems. The telephone rings and a crisis arises. There is no structure. The nature of consultation is essential. The problem solving needs to be expert and be supported. She urged serious consideration of this measure by the committee.

HEARING ON SENATE BILL 209

Presentation and Opening Statement by Sponsor:

Senator Yellowtail opened by saying the Environmental Quality Council (EQC) studied the solid waste management issue in the interim. This was timely in light of two major developments. First, the implementation of subtitle D, of the EPA regulations. They are eminent. The state needs to work to retain state primacy in the management of solid waste under the new regulations. This has caused much consternation on the part of local governments. The state needs to be able to offer the types of technical assistance that is required to adapt to the new scope of solid waste management regulations. We will probably see considerable closure of small, local solid waste management facilities. Probably a movement toward consolidation and development of larger facilities. Secondly, we are witnessing a relative boom in importation of waste from out-of-state sources. We need to get a system in place to manage this type of development. The council adopted a task force approach to identify the options and develop a solid waste management advisory council which was chaired by Senator Beck. The council examined the scope of the issue and identified a menu of alternatives. Hearings included input from local governments, private industry and other interested parties. SB 209 comes to the committee as one of several bills regarding solid waste management. This bill represents the funding aspect of the package.

Senator Yellowtail continued by saying funding for solid waste regulation and assistance to local governments has been declining while the federal requirements have been increasing. Montana currently has less than 3.5 FTE and additional staff will certainly be needed to adopt a federally approved subtitle D program that will allow us to maintain state primacy. In addressing the funding needs, the direction provided by the advisory committee was that any new source of revenue ought to come from those that receive the service. To that end, the EQC determined that a new funding system should reflect these types of priorities. It should address the volume of solid waste, the cost to the state of reviewing applications and reviewing the annual licensing program, some incentive for waste reduction and some incentive for consolidating small systems. The fee system recommended by the EQC and contained in this bill reflects the following recommendations: (1) a solid waste program should be funded by a combination of continued support from the general fund as well as user fees. These should be collected through an operating license from the Department of Health; (2) an annual license fee should include a base rate component, another based upon the volume of waste being disposed and a fee for review of new license applications; (3) the recommended annual funding level for FY '92 and '93 solid waste program is \$614,000, reflecting a total staff at full implementation of 13 FTE's.

Senator Yellowtail read from the bill the portions which described how the program would work.

Proponents' Testimony:

The chairman recognized Representative Bob Gilbert, chairman of the EQC. He said there has been lots of crying and screaming about the costs of garbage. He said Montana is not used to lots of garbage. He said we are not raising taxes but funding the next century of solid waste management in Montana. We have to do this. If we do nothing the federal government will come down with subtitle D and gain primacy on this issue. The costs will double or triple what has been discussed today. This funding is not just a method of raising money. It funds three important bills: HB 377, HB 160 and HB 239. The majority of the hazardous material in this state is not generated by industries spewing smoke stacks but produced by the consumers. We are the people causing the majority of the futures problems. This is an educational process which must be funded. He endorsed the program. He said he would rather fund a few dollars now on a state program than more dollars later on a federal program.

The second witness was Dave Fuller, president-elect of the Montana Association of Counties. He said they are not happy when the state imposes costs at the county level. He said they do recognize the problem at the Department of Health. They have not been funded sufficiently to service local governments. In spite of their concern about the fees, they support the funding structure.

Fuller continued by saying the fee is down to .31 cents versus the original .71 cents per ton. This is perhaps the beginning of a partnership. It might be safe to say that relations between counties and the Solid and Hazardous Waste Bureau has not been the best. He suggested that this is a way that relationship will improve. He closed by saying the fiscal note showed a statement regarding the landfill operating and training. As a part of the whole package the annual training of landfill operators is required. As a part of selling this to the Montana Association of Counties and if the money could be run through this organization the counties throughout the state would feel a little more comfortable.

The third witness was Tony Grover, Solid Waste Program Manager for the Department of Health and Environmental Sciences. See Exhibit #8 for a copy of his testimony. He also passed out testimony for Jim Carlson, Director of Environmental Health in the Missoula City/County Health Department. See Exhibit #9 for a copy of his testimony.

The fourth witness to testify was Jim Leiter, representing BFI of Montana. See Exhibit #10 for a copy of his testimony.

The fifth witness to testify was Pete Frazier, representing the City/County Health Department in Great Falls. See Exhibit #11 for a copy of his testimony.

The sixth witness to testify was Erling Tufte, Director of Public Works for the City of Great Falls. See Exhibit #12 for a copy of his testimony.

The seventh witness to testify was Chris Kaufmann, representing the Montana Environmental Information Center. See Exhibit #13 for a copy of his testimony.

The eighth witness to testify was Dave Pruitt, representing the Montana Association of Counties. He said they supported the bill.

The ninth witness was Janet Ellis, representing the Montana Audubon Legislative Fund. She said people used to manage garbage by saying out of sight out of mind. We have learned that is not realistic because garbage has a real impact. Garbage dumps can become superfund sites and pollute the groundwater. She urged passage.

The tenth witness to testify was Richard Parks, vice-chairman of Northern Plains Resource Council. See Exhibit #14 for a copy of his testimony.

The eleventh witness to testify was Dick Kountz, representing Three Rivers Disposal and Waste Management Partners of Bozeman. He urged passage. He said they are in the process of developing a landfill and he said they know they need inspections.

The twelfth witness was Sue Weingartner, Executive Director of the Montana Solid Waste Association. See Exhibit #15 for a copy of her testimony. She said waste management was a growth industry. Since 1960 the population in the United States has increased by 34 percent and the amount of garbage produced has increased by 80 percent. The Association recognizes the increased demands from the Solid and Hazardous Waste Bureau and recognize there is a price tag to retain primacy over the state program. She urged passage.

The thirteenth witness was Bill Price, waste manager of Great Falls. He urged passage.

Opponents' Testimony:

The first witness to testify in opposition to SB 209 was Jim Tillotson, city attorney from Billings. He said he opposed the bill as presently drafted. He said they have no quarrel with the environmental sections of the legislative package. He said they oppose this bill because, in the case of Billings, the sole effect and purpose of the legislation would be to generate revenue at city expense to fund a function performed by a state agency that would provide no benefit to the residents of Billings or Yellowstone county. Billings owns and operates a major landfill, about 140,000 tons per year. It serves all of Yellowstone county and several surrounding counties and towns. He said they use professional well trained staff and consulting engineers. Thousands of dollars are spent annually monitoring the operation to ensure that existing environmental regulations are all fully complied with. This has been accomplished at a reasonable cost with no rate increase for over 10 years. This bill as drafted would impose an additional \$47,000 in costs for Billings. They would only receive one state inspection annually. Obviously, most of the money will be used to subsidize a state bureaucracy which will be performing services for other areas of the state. He said they would not oppose this bill if it was amended to allows an existing major facility which would receive only a single annual inspection by the state should be required to pay only the flat permit fee of \$3,500 annually. Secondly, such facilities should be exempted from paying the annual volume charge which is unrelated to the services provided by the state.

The second opponent was Bob Ellers from Minneapolis, MN. See Exhibit #16 for a copy of his hand-out. He is involved in the proposed landfill in Miles City, Montana.

The third opponent was Jack Lynch, chief executive officer of Butte/Silver Bow government. He stated the bill was opposed not so much in principal but because of the funding mechanism. He said they would have to ask for a 15 percent increase in fees if the bill passed as currently written.

The fourth opponent was Jim Johnstone, Director of Public Works, Butte/Silver Bow government. He said the cost for the first year would be about \$29,000, over the biennium it would cost about \$50,000 in fees.

The fifth opponent was Dick Nesbitt, Director of Public Works, City of Helena. He said they do not oppose the legislation. Their concern is the method of financing. It would cost the City of Helena and the scratch gravel district about \$16,000 in annual fees.

The sixth opponent was Don Chance, representing the Beaverhead County Commission. The commission opposes the bill primarily because of the principal of the precedent. Local governments have been repeatedly hammered in recent years with a constant change in the federal and state initiated requirements. No funding is ever attached to help finance the obligations of meeting the new requirements. The revenue source that this legislation is proposing to utilize for expansion of the state function is essentially the same revenue source local government has available to it to finance compliance with the new regulations.

Questions From Committee Members:

The chairman recognized Senator Pipinich who asked about a \$5.00 fee that could be included in the bill. He asked why the out-of-state sources don't pay the bill.

Senator Yellowtail said he had no objection to that. He said that was a subject for another bill. The application fee in this bill is \$10,000.

Senator Pipinich addressed his question to Jim Leiter with BFI. He asked about fee increases in certain cities.

Mr. Leiter said his testimony was based upon his experience with the regulatory program of the State of Montana. He worked there for 12 years. During his tenure with the department he said Anaconda was one of the few that had a license revocation. After the time of revocation the community raised their fees. Prior to that time it was about \$6.00 per family per year. The fees were raised, a new contractor was hired and the operation improved. It does not negate the environmental impact from the old operation which has manifested in some groundwater contamination. He said \$6.00 per year per family cannot provide adequate environmental regulation for a landfill disposal facility, neither can dumping garbage for free.

Senator Towe asked about the placing of the authority of fixing the fees and placing the suggested fee in the statement of intent. He said he thought they did not want to be locked into those particular fees but yet did not want much flexibility to charge another fee.

Senator Yellowtail responded by saying there may be a need for a fee adjustment over time. The mechanism is in place to allow flexibility so that the legislature does not have to change those every session. Secondly, the EQC went to great lengths to do research as to what works nationally and what might work for our purposes. They arrived at those fees.

Senator Towe said certain authority can be delegated under certain guidelines. A volume fee is a little different situation. How can we do that by delegation of authority.

Senator Yellowtail said as to the .31 cents per ton, the EQC went to great lengths to research and examine that very question and it is not merely an arbitrary fee that we arrived at that is met to discourage the generation of garbage. We worked with what other states have done. Part of the target year was to provide adequate funding on what the Department needs to meet the state primacy requirements under subtitle D.

The chairman recognized Gene Huntington, representing the EQC. He said the rate was fit. The per ton fee has been used to match the budget. That was the flexible part that was adjusted.

Chairman Eck said the license application is supposed to pay for the cost of reviewing a new plan. The annual fee reflects the cost related to the annual inspection. What about the volume based fee. What is its purpose.

Mr. Huntington said it has some of the local regulatory aspects but it also covers the public health function. It provides for the activities that cannot be tracked to one landfill or one inspection but have to do with the overall program.

Chairman Eck said she had followed the Department of Health budget for a long time and said they never ask for as much money as they need and they never hire as many people as they need. Does this budget reflect the appropriate staffing and salary levels you will need.

The chairman recognized Tony Grover from the Department of Health who said he had been in state government less than a year and a half. Prior to this he was a consultant and took a tremendous pay cut to work for the State of Montana. He said he was not certain he could attract good people based upon the wages in the budget. There is a place for everyone in the program and said he would be happy to discuss each position.

Chairman Eck asked Mr. Leiter if salary had anything to do with his leaving the employ of the state.

Mr. Leiter said it most certainly did. He said he worked for the State of Montana for 12 years and when he left he was making about \$28,000 a year. By going to work in private industry he was able to increase his salary dramatically.

Senator Towe said Mr. Tillotson and other opponents raised the point that one inspection is costing \$47,000 per year.

Mr. Grover said it is a misconception. The annual fee for Billings will work out to \$38,000 per year not \$47,000 per year. He said the Department will be doing infinitely more than just dropping by once a year to see how their landfill is operating. Groundwater monitoring rules are up for review. They will take effect sometime this summer. This will take much time working with existing facilities that have groundwater contamination problems like Billings. They can come into compliance without breaking their budget. Subtitle D will not be a trivial process. There will have to be a new recordkeeping system established, a methane monitoring system, leachate collection systems and they all have to be installed and reviewed by someone. Some individuals feel the state is not the appropriate party to perform the review. We feel that is what we have been told to do. That is our program mission.

The chairman recognized Jim Tillotson, city attorney from Billings who said Billings is the largest landfill but not the biggest problem. He said they are used to living with federal regulations. For example, they operate a transit system. They have the ability and the resources to bring their operations into compliance with federal law. The question they have is why they should devote those resources to a state bureaucracy to tell them how to comply with the federal regulations. He said they can do that themselves. He said if the implication of primacy is not complying with the federal regulations on landfill, that is untrue. He said they are accustomed to dealing with the federal government in a regulatory sense and said they can do a very good job of that. He said there are no guarantees that the state is going to be able to interpret and administer the federal regulations in a fashion that is going to satisfy the federal government. Billings can hire consultants and have the staff on board to deal with these issues. He said they do not need the state to develop training programs or train their operators on how to comply with the federal regulations.

The chairman recognized Senator Burnett who asked if the county was equipped through its board of health to monitor these problems.

Mr. Tillotson said there is the city/county health department. He said they do not monitor the landfill.

The chairman recognized Senator Rye who said assuming the \$38,000 figure is correct, Billings recently rejected a mill levy. He said he is worried about things like the library which is closed more than it is open. He wanted to know how the city would raise the \$38,000.

Mr. Tillotson said they would fund through user fees, passed directly upon the users of the landfill.

Closing by Sponsor:

Senator Yellowtail thanked the committee for a good hearing and said he hoped the committee would pursue their questions with the resource persons available. He said this is not a simple matter. He said he credited Billings for using its resources to benefit its own situation but the problem is to come up with a system that will work statewide to provide the services to large and small municipalities in an equitable fashion. This is the best effort to accomplish that. One critic brought in the road budget. He said it is hard for him to draw the connection between the road budget and the garbage fee unless the county wishes to raise garbage fees to pay for the road. In any case this is a user fee and appropriately so. There has to be a long range incentive for waste reduction. He closed by saying they would be available for questions and assistance.

EXECUTIVE ACTION ON SENATE BILL 174Motion:

Senator Towe moved adoption of the amendments in Exhibit #17.

Discussion:

The chairman called upon Tom Gomez who explained the amendments.

Senator Towe asked about the rules being adopted in Section 3.

Mr. Gomez said it was referenced in Section 3, page 3, lines 19 to 22, adopting rules. He said the five-member board is self-executing, that is why there is an applicability provision specifying those changes from a three year to five year term apply to only new appointments.

The chairman called upon Steve Shapiro, attorney for the Department of Commerce. He said there are already staggered terms denoted by the existing organic statute. There is no other language necessary. In the first year, two members are appointed, in the second year two members and in the third year one member.

Amendments, Discussion, and Votes:

There being no objection the motion carried to adopt the amendments.

ROLL CALL

PUBLIC HEALTH, WELFARE COMMITTEE
AND SAFETY

Date 02/11/91

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BURNETT	X		
SENATOR FRANKLIN	X		
SENATOR HAGER	X		
SENATOR JACOBSON	X		
SENATOR PIPINICH	X		
SENATOR RYE	X		
SENATOR TOWE	X		
SENATOR ECK	X		

Each day attach to minutes.

Long letters

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES



STAN STEPHENS, GOVERNOR

FAX #(406) 444-1499

STATE OF MONTANA

OFFICE 836 Front Street
LOCATION: Helena, Montana

MAILING Cogswell Building
ADDRESS: Helena, MT 59620

Solid and Hazardous Waste Bureau
(406) 444-1430

February 8, 1991

SENATE HEALTH & WELFARE

EXHIBIT NO. 8

DATE 2-11-91

BILL NO. SB 209

DHES TESTIMONY ON SB 209
SOLID WASTE FEE BILL

DHES supports the adoption of a solid waste fee system to fund increased state solid waste management efforts in Montana. Five significant issues are driving the need for additional staff and resources at the state level now:

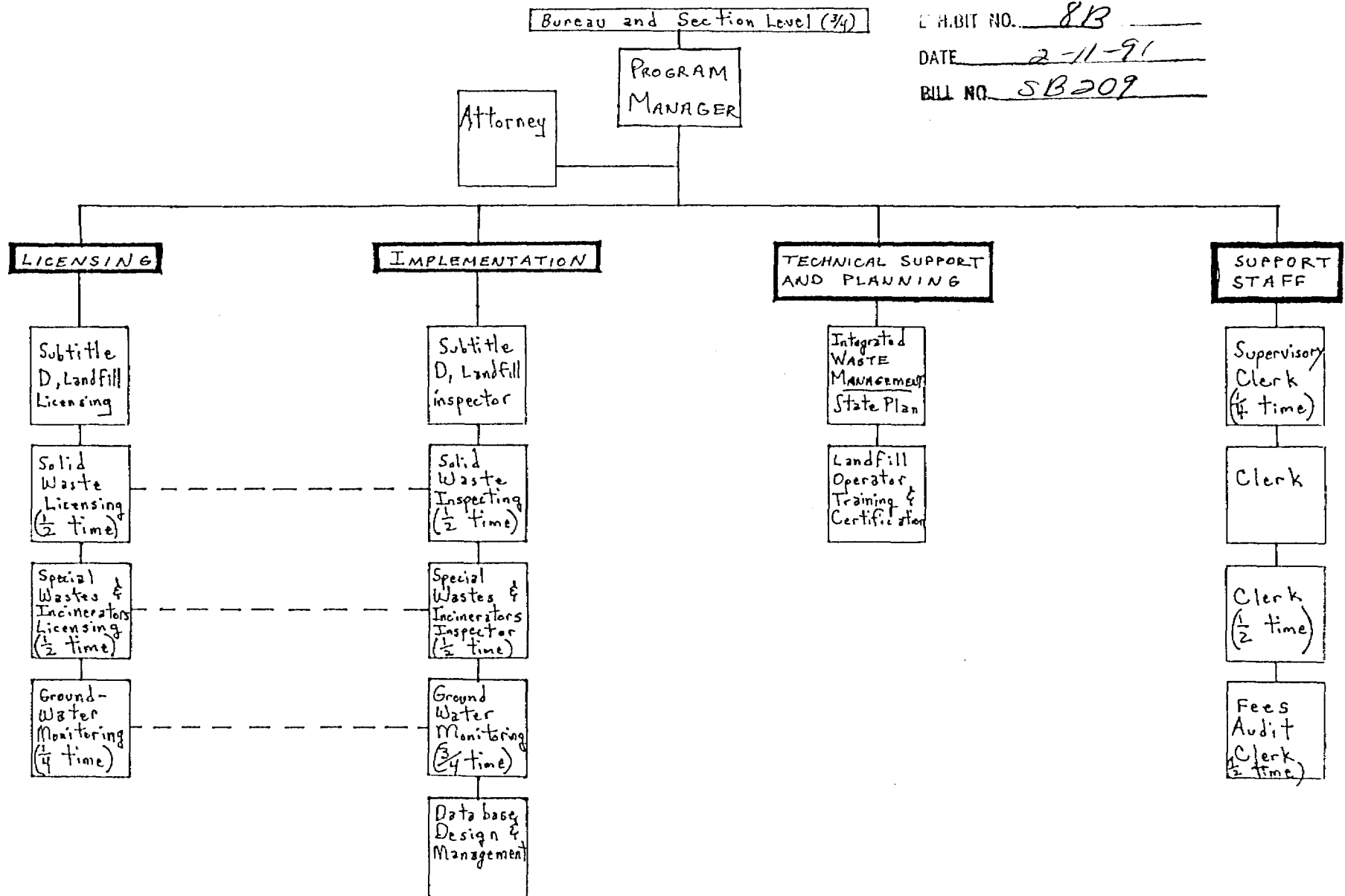
1) Importation - Montana must regulate the disposal of out-of-state generated wastes in essentially the same manner as in-state generated solid wastes are regulated. Several informal proposals for landfilling or incineration of large quantities of imported special and solid wastes are under consideration across the state. Other states that have attempted to regulate imported solid wastes more stringently than in-state wastes have had their regulatory programs declared unconstitutional.

2) State Primacy in Solid Waste - New Federal rules (commonly known as Subtitle-D) for landfill siting, operation, monitoring and recordkeeping are pending. For Montana to retain Primacy in Solid Waste the state must have a system of laws, regulations, and adequate staff and funding to receive a Determination of Adequacy by the Federal EPA.

3) Increase in Number and Complexity of License Applications - DHES is now processing 8 solid waste management system license applications. At least 16 other license applications will be filed within the next year. At present there are several landfill license applications under review by program staff that include designs for liners, covers, and leachate collection systems. Several of the pending applications will include similar design components as well as methane monitoring and collection systems. Currently there are no licensed landfills in Montana with either liners or leachate collection systems.

4) Broadening Scope of Solid Waste Program Responsibilities - Public interest, changing regulations and emerging technologies are causing the solid waste program to broaden the scope of program activities to include: waste reduction, recycling, incineration, composting, and baling. Also new technologies are required to license the management of special wastes such as: infectious waste, medical waste, used oil, household hazardous wastes, conditionally exempt small quantities of hazardous wastes, tires, and batteries.

Bureau and Section Level (3/4)

C.H.BIT NO. 813DATE 2-11-91BILL NO. SB209

MISSOULA
COUNTYCITY-COUNTY HEALTH DEPARTMENT
301 W. ALDER
MISSOULA, MONTANA 59802

(406) 721-5700

Testimony Concerning Senate Bill 209
Before the Senate Public Health Committee
Monday, February 11, 1991

SENATE HEALTH & WELFARE

EXHIBIT NO. 7DATE 2/11/91BILL NO. SB 209

Chairman Eck, Honorable Committee Members,

My name is Jim Carlson. I am the Director of the Environmental Health Division of the Missoula City-County Health Department. The Missoula City-County Health Department supports the passage of Senate Bill 209. For many years the State of Montana has been sorely lacking in an adequate program for the review and regulation of landfills throughout the State of Montana. For the last ten years or so, the State of Montana has had only one person to regulate, inspect, approve applications and respond to concerns about all of the landfills located in this wonderful State. To the best of my knowledge, over the past ten years, the state solid waste program has only been able to inspect Missoula County landfill sites twice. Three years ago the City of Missoula applied for a Class III Landfill Permit for a very small site on the north side of Missoula. After their application had been at the State for over 8 months, the State informed us that they didn't have time to process the application because of the lack of manpower.

Montana needs adequate staff to administer its' solid waste program. It is appropriate that we end free permitting of landfill sites in the State of Montana and that we require that those landfill sites pay their fair share of the administration cost for solid waste management. We feel that the fees proposed in this Bill are fair and appropriate and request that you support the passage of this Bill.

Sincerely,

Jim Carlson, Director
Environmental Health



BROWNING-FERRIS INDUSTRIES

Missoula District

Recycled paper

SENATE HEALTH & WELFARE

EXHIBIT NO. 10

DATE 4/11/91

BILL NO. SB 209

Testimony of:

James E. Leiter, Browning-Ferris Industries of Montana, Inc.
P.O. Box 8449
Missoula, MT 59807
728-9572

In support of:

Sound Solid Waste Regulatory Funding

Mr. Chairman, members of the committee, I am Jim Leiter, Landfill Manager of the BFI landfill in Missoula, Montana. For those of you not familiar with me personally, until I went to work for BFI in May of last year, I spent the previous twelve years as solid waste program manager for the Department of Health and Environmental Sciences. For those of you not familiar with our company, BFI operates a municipal solid waste landfill in Missoula and three solid waste hauling companies in Missoula, Billings, and Miles City, Montana. We are the second largest waste hauling and disposal firm in the United States, operating 110 landfills 350 hauling companies and over 350 curbside recycling programs. My employment with a private solid waste firm is indicative of my feeling that private enterprise better addresses environmental protection issues in solid waste management than has either the State of Montana or local governments. I am proud that this industry does so well, but I am disappointed that the same level of environmental protection is not required of our state and local government agencies.

Due to environmental liabilities associated with operating solid waste disposal sites, our firm has stringent, corporate standards which each of our landfills must meet, including, among other things, comprehensive groundwater monitoring systems, methane gas monitoring systems, special asbestos disposal certifications, special evaluation procedures for disposal of special wastes other than household garbage, and many other built in environmental systems designed to meet our corporations goal, best expressed by our CEO, William Ruckelshaus, who speaks of having an "obsession with compliance".

Sadly, we find it extremely difficult to compete economically in a state like Montana which has had inadequate state laws

provide environmentally safe sites, employ local individuals at good jobs and pay valuable taxes to those communities we serve, IF we are allowed to compete on a level playing field.

If, however, the environment is sacrificed to hold down reasonable disposal fees, the entire state will lose.

The nearly 100 employees of BFI encourage your support of this legislation.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 11 day of February, 1991.

Name: Pete Frazier

Address: 3305 17 Ave S - GT Falls - home

1130 17 Ave S - GT Falls - work

Telephone Number: 761-3808 - home 761-1180 work

Representing whom?

City of Health Dept - GT Falls

Appearing on which proposal?

SB 209

Do you: Support? ☒ Amend? ☐ Oppose? ☐

Comments:

TESTIMONY ON SB 209

MR. CHAIRMAN AND COMMITTEE MEMBERS. MY NAME IS PETE FRAZIER, DIRECTOR OF ENVIRONMENTAL HEALTH WITH THE CITY-COUNTY HEALTH DEPARTMENT IN CASCADE COUNTY. IN ADDITION I HAVE SERVED AS THE DIRECTOR OF THE CASCADE COUNTY SOLID WASTE DISPOSAL DISTRICT SINCE ITS CREATION 20 YEARS AGO.

WE SUPPORT SB 209 WITH RESERVATIONS. WE AGREE THAT FOR MANY YEARS THE SOLID AND HAZARDOUS WASTE BUREAU'S LANDFILL PROGRAM HAS BEEN SERIOUSLY UNDER FUNDED AND UNDER STAFFED. IT IS MY UNDERSTANDING THAT CURRENT STAFFING IS AT 2.5 FTE'S WHICH IS FUNDED FROM STATE GENERAL FUNDS. THESE FEW STAFF ARE REQUIRED TO MAKE ROUTINE INSPECTIONS OF APPROXIMATELY 50 OPERATING LANDFILLS THROUGHOUT THE STATE, INSPECT NUMEROUS OTHER LANDFILLS WHICH ARE CURRENTLY CLOSING DUE TO THE UPCOMING FEDERAL SUBTITLE D REGULATIONS, REVIEW SEVERAL NEW LANDFILL LICENSE APPLICATIONS FOR LARGER REGIONAL LANDFILLS, RESPOND TO CITIZEN'S COMPLAINTS AND PROVIDE TECHNICAL ASSISTANCE, ETC. OBVIOUSLY 2.5 PEOPLE CAN NOT PERFORM ALL OF THIS WORK. THERE IS NO QUESTION THAT THE SOLID WASTE BUREAU NEEDS INCREASED FUNDING AND STAFFING IN ITS LANDFILL PROGRAM. IT IS MY UNDERSTANDING THAT THE EQC'S INTERIM SOLID WASTE ADVISORY COMMITTEE, AFTER CONSIDERABLE DISCUSSION AND WORK RECOMMENDED THAT THE BUREAU'S STAFFING BE INCREASED TO ABOUT 8.5 FTE'S. IT WAS FELT THAT THIS STAFFING LEVEL WOULD MEET WITH EPA'S APPROVAL FOR THE STATE TO OBTAIN PRIMACY FOR ENFORCING THE UPCOMING EPA SUB-TITLE D REGULATIONS AND PROVIDE THE SOLID WASTE BUREAU TO CONDUCT THE FUNCTIONS REQUIRED IN A TIMELY FASHION. IT IS IMPORTANT, IN OUR OPINION THAT THE STATE SOLID WASTE BUREAU OBTAIN AND MAINTAIN PRIMACY FOR THE SUB-TITLE D REGULATION ENFORCEMENT, SINCE, ACCORDING TO AN EPA OFFICIAL, STATES WITH PRIMACY HAVE THE AUTHORITY TO PROVIDE VARIANCES FROM CERTAIN AREAS OF THE SUB-TITLE D REGULATIONS, SUCH AS LINERS, GROUNDWATER MONITORING AT SMALL LANDFILLS, ETC., AS LONG AS ADEQUATE EVIDENCE IS PROVIDED THAT NO PUBLIC HEALTH OR ENVIRONMENTAL PROBLEMS WILL EXIST IF SUCH A VARIANCE IS PROVIDED. IF THE STATE DOES NOT OBTAIN PRIMACY FROM EPA,

SENATE HEALTH & WELFARE
EXHIBIT NO. 11
DATE 2/11/91
BILL NO. SB 209

NO FLEXIBILITY WITHIN THE RULES WILL BE AVAILABLE AND NO VARIANCES WILL BE AUTHORIZED. HOWEVER, IT IS OUR UNDERSTANDING THAT THE CURRENT BUDGET REQUEST IS FOR 13 FTE'S AND APPROXIMATELY \$576,000 IN FEES - ALL COMING FROM SOLID WASTE MANAGEMENT FACILITIES TO FUND THE STATE PROGRAM. THE BILL INDICATES THAT THE "FEES ARE INTENDED TO REFLECT A MINIMAL BASE FEE RELATED TO THE FIXED COSTS OF AN ANNUAL INSPECTION AND PERMIT RENEWAL, AND A VOLUME FEE RELATED TO THE ESTIMATED AMOUNT OF SOLID WASTE TO BE DISPOSED OF EACH YEAR." UNDER THE CURRENT FUNDING PROPOSAL OUR COUNTY LANDFILL AT ULM, WHICH DISPOSES ABOUT 16 TONS PER DAY, WILL PAY \$3,000 FOR AN ANNUAL LICENSE PLUS \$2,700 IN ANNUAL VOLUME FEES. FOR THIS WE WILL RECEIVE AN ANNUAL INSPECTION, WHICH WE ARE TOLD WILL TAKE ONE DAY OR LESS AND TECHNICAL ASSISTANCE, IF WE NEED IT. IT IS DIFFICULT TO UNDERSTAND HOW THESE SERVICES WILL ACTUALLY COST THE STATE \$5,700. THE CITY OF GREAT FALLS WOULD PAY APPROXIMATELY \$14,500 ANNUALLY, FOR SIMILAR SERVICES. THERE APPEARS TO BE AN IMBALANCE BETWEEN STATE FUNDING AND LOCAL FEE SUPPORT FOR THE STATE PROGRAM. MUCH OF THE WORK TO BE CONDUCTED BY THE STATE PROGRAM, SUCH AS WRITING THE STATE PLAN, DEVELOPING A DATA BASE, INTEGRATED WASTE MANAGEMENT INFORMATION, WRITING OF NEW RULES, ETC. ARE STATEWIDE FUNCTIONS AND SHOULD BE FUNDED BY THE STATE.

WE URGE YOU TO LOOK CLOSELY AT THE FEE AUTHORIZATION STRUCTURE, STAFFING LEVELS, AND FUNDING PROPOSAL IN ORDER TO PROVIDE AN EQUITABLE BALANCE BETWEEN STATE AND LOCAL FUNDING SOURCES TO FUND THIS IMPORTANT PROGRAM.

THANK YOU.

— Exhibit #11
2-11-91 SB 209

TESTIMONY ON SB 209

SENATE HEALTH & WELFARE

EXHIBIT NO. 12

DATE 3/11/91

BILL NO. SB 209

Mr. Chairman and Committee members. My name is Erling Tufte, Director of Public Works for the City of Great Falls. In addition, I served as a member of the SJR 19 Advisory Committee to the EQC on solid waste management issues.

We agree with the general intent of SB 209 to adequately fund the DHES Solid Waste Program.

Our views are as follows:

1. We recognize that regulations and public interest demand increasing attention to solid waste management.
2. We support state vs. EPA primacy in enforcing federal regulations.
3. We believe that the current state program is underfunded.
4. We believe that a combination of general tax revenues and consumer fees is the appropriate means of funding the state solid waste program.
5. We suggest that the program be closely monitored so that it's cost does not escalate beyond the public's ability to pay. A specific limitation on cost is recommended.

Our support of the specific fee structure and level of fees proposed in SB 209 is qualified. As we require at the local government level, we recommend that the proposal be thoroughly presented and justified. The public should be clearly informed on the total cost, revenue structure, proposed level of service and possible alternatives.

Finally, we wish to express our concern for, and commitment to, responsible solid waste management. We recognize that much of what we do is likely to be in response to federal or state regulations. We hope that the Federal and State governments will be partners in education, solutions and funding; not simply vehicles to author and pass along regulations. New government demands without accompanying funding have become an increasing burden to local government.



The Montana Environmental Information Center Action Fund

• P.O. Box 1184, Helena, Montana 59624

(406)443-2520

Testimony in support of SB 209

By Chris Kaufmann of the Montana Environmental Information Center

You have before you the most important solid waste bill of the session. This bill will give the state primacy for solid waste management. Without this bill, the EPA will become the regulators of landfills in Montana. How responsive do you suppose EPA will be to the specific problems of Montana communities? How responsive do you suppose EPA will be to the concerns of a community such as Billings who's landfill is less than a quarter mile from the Yellowstone River and only 50 feet above the groundwater?-- A landfill which is on the state's superfund list. --A landfill at which the EPA has already found elevated levels of heavy metals in monitoring wells and indiscriminate dumping of materials containing PCBs and DDT.

The new federal regulations called Subtitle D will require landfills to comply with strict daily operational criteria, to submit an approved closure plan to minimize leachate, to conduct regular groundwater monitoring for contaminants, and to continue monitoring for a minimum of 30 years after closure. Montana landfill are going to have a difficult time complying with these new rules. The EPA requires states to have an approved program in order to continue as the regulatory authority. An approved state program will have the flexibility to grant some variances from certain requirements in accordance with site specific conditions. Do we want this kind of flexibility or not?

This bill will set fees on landfill. The fees will be passed on to those who generate the waste. No one is trying to hide this fact. It is appropriate for persons who generate waste to pay the full costs of disposal. It is part of the cost of being a consumer in this society. It is time to move into the new era of solid waste management. The world is changing. According to the Billings Gazette, the city of Billings is proud that they have not raised their rates in 13 years. What that tells me is that they are in the dark ages when it comes to waste management and, for at least a decade, they have hidden the true costs of waste disposal. City officials in Billings can cover this new fee by raising their rates by 4 cents per person per month.

This bill is the result of a two-year ECQ process with plenty of opportunity for public input. There has already been a great deal of compromise with the counties and cities on the fees. The per ton recommendation from the ECQ was 71 cents. Now the fee is down to 31 cents. The opposition by Billings is "garbage" and they should be taxed at 31 cents a word for their statements. The ECQ process has identified the need for a shift in the state's program toward an integrated approach to waste management which includes recycling, reduction, public education, and composting. At the same time, regulation of disposal cannot be ignored. This bill puts into place the kind of state program that can implement this new emphasis. It brings Montana into the new age of waste management. MEIC urges a do pass recommendation.

SENATE HEALTH & WELFARE

EXHIBIT NO. 13

DATE 2/11/91

Northern Plains Resource Council

Testimony on SB 209 to Senate Public Health Committee
Presented by Richard Parks, vice-chair of the Northern Plains
Resource Council

SENATE HEALTH & WELFARE

EXHIBIT NO. 14

DATE 7/11/91

BILL NO. SB 209

My name is Richard Parks and I am vice-chair of the Northern Plains Resource Council. NPRC is a membership based organization with 14 community groups. I am here today to urge you to strongly support SB 209. NPRC applauds Senator Yellowtail for carrying this bill.

As proposals have sprung up to import garbage from other states into Montana for disposal, NPRC members have become keenly aware of the lack of resources currently allocated to the regulation of solid waste in Montana. It is high time that Montana's landfills, source reduction and recycling programs are propelled into the 20th century. Only five states in the country have fewer state employees dedicated to solid waste management than Montana.

I would like to quote to you from the study published by the Environmental Quality Council: "Due to lack of staff, legitimate regulatory control of landfills and other solid waste management systems is effectively non-existent. Reported violations of environmental standards go uninvestigated; unlicensed landfills remain open; and annual inspections occur only every couple years. Further, the department has not been able to process the growing number of applications for solid waste licenses for the new facilities, just when prompt service is essential due to the impending Subtitle D regulations."

The funding mechanisms proposed in SB 209 are fair. Too often in this society we do not take responsibility for our actions and we leave the costs for future generations to pay. Despite assurances to the contrary, landfills leak. In a careful study conducted for the U.S. Environmental Protection Agency 43 out of 50 landfills studied were confirmed as the source of groundwater contamination. In Montana, only 12 of our nearly 90 class 2 landfills are monitored for groundwater contamination. Of these contamination has been detected at 9 sites. I am submitting for your review a factsheet on groundwater contamination from landfills.

This bill is part of a carefully constructed package of legislation designed to move Montana toward the goal of waste reduction and to improve environmental protection. We urge that this committee recommends a "do pass" on this bill.

Solid Waste, Landfills and Groundwater Contamination

A Northern Plains Resource Council Factsheet

January 1991

GARBAGE IS CATCHING UP

Americans are fast approaching the 21st century full of optimism and enthusiasm for a cleaner and brighter world. But, the affluent, fast paced and disposable American culture is producing garbage at a stupendous rate. U.S. garbage generation grew 80%, from 1960 to 1986, rising from 87.5 million tons to 157.7 million tons. It is expected to increase 22% by the year 2000 (Time Magazine, 9/5/88, "Garbage, Garbage, Everywhere").

Each U.S. citizen generates roughly 1,600 pounds of garbage each year. Montanans collectively generate 600,000 tons each year. Urban as well as rural areas are simply running out of options for disposing of their waste, most of which is now hauled away to landfills, dumped in the ocean or incinerated. This factsheet examines the consequences of burying garbage in landfills.

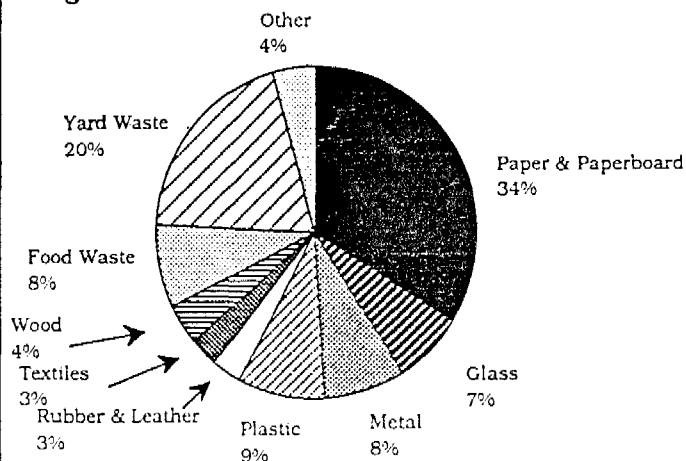
The Environmental Protection Agency (EPA) is issuing new regulations that recognize the hazards of solid waste and the problems with disposal in landfills. These regulations make siting and monitoring of landfills strict and consequently very expensive. The result has been that small, older landfills are closing and fewer larger landfills are being developed. Further, many urban areas are looking to sparsely populated states to take care of their waste.

IT'S JUST HOUSEHOLD GARBAGE...

The total amount of solid waste sent to our landfills each year amounts to approximately 150 million tons (Utne Reader Nov/Dec 1990). The municipal solid waste produced in this country in just one day fills roughly 63,000 garbage trucks which, lined up end, to end would stretch the distance from San Francisco to Los Angeles (Scientific American December 1988 Vol. 259 No. 6 "Managing Solid Waste").

Figure 1 shows the average "profile" of U.S. garbage.

Figure 1.



Sources: The U.S. Postal Service; Environmental Defense Fund; and Franklin Associates Ltd.

Household garbage contains a whole host of products and chemicals that when mixed together create a toxic situation. Paint, paint thinner, fertilizer, pesticides and cleansers are household items that end up being hauled to the city dump or buried on private property. Additionally, one thousand new chemicals are invented each year, making it virtually impossible to predict all the possible combinations of chemicals that will be created inside a landfill. According to a study conducted by Geraghty and Miller of Port Washington, New York, under contract to EPA, wastes that are deposited in landfills continue to weather and leach for years. Chemical interactions within a landfill do not cease when dumping stops.

BUILDING LANDFILLS, A LEAKY SCIENCE

All landfills leak. According to several studies, most notably the one by Geraghty and Miller, even the most modern and up-to-date landfill technologies cannot prevent leakage after a relatively short period of time. EPA discovered that 86% of the landfills studied had contaminated underground water supplies beyond the boundaries of the landfill.

Dated this 11 day of Feb., 1991.

11 day of FEB
Duke Kaur

Telephone Number: 406-586-0606 011

Three River Disposal & WMP Partners of Bozeman

#209

Amend?

Oppose?

Comments:

This image shows a single page of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



Montana Solid Waste Contractors, Inc
36 South Last Chance Gulch
Suite A
Helena, MT 59601

Sue Weingartner
Executive Director

406-443-1160

Public Attitudes Toward Garbage Disposal

November 15, 1989

SENATE HEALTH & WELFARE

EXHIBIT NO. 15

DATE 2/11/91

BILL NO. SB 209

pg. 1 of 16

Despite deepening public concern over a number of environmental problems facing our nation, Americans in 1989 are exhibiting greater acceptance of options for managing and disposing of solid waste than they did a year or two ago. While still concerned about ensuring adequate waste disposal capacity and about the locations and possible environmental effects of various options, the public shows the following attitude shifts:

- more people actively participating in recycling activities;
- increased acceptance of waste-to-energy, with more people favoring it than opposing it as a local option; and
- less opposition to siting local landfills.

SAFER, CHEAPER, BETTER WASTE DISPOSAL: LANDFILLS

Copyright 1990, Robert L. Ehlers

SENATE HEALTH & WELFARE
EXHIBIT NO. 16
DATE 2/11/91
BILL NO. SB 209

“...With the right conditions, resources and professional engineering, safe landfills are perfectly possible”

Landfilling municipal solid waste (MSW) can be safe, efficient and economical to both the waste generators and landfill host communities. Sited in suitable soils, with favorable arid climate, in areas of sparse population, with cheap transportation available, and built and operated with new technology — western landfills may be “the right thing to do.”

This article explodes some popular waste disposal shibboleths and demonstrates how western landfills can be win/win propositions environmentally and economically for waste generators and host communities alike.

WHAT ABOUT LANDFILLS?

There are no safe landfills... We're rapidly running out of landfill space... Landfill operators can no longer avoid their true costs... Waste generators remain liable for (landfill) problems wherever and whenever they occur... Not in my back yard!... Incineration, composting and recycling are environmentally sound ways to extend the life of landfills and conserve resources.

One slogan can stop analysis for fifty years and several now block critical thinking about how best to dispose of wastes. These popularized “truths” have led us to alternatives that cost vastly more, are significantly more sophisticated and pose their own hazards. These include incinerators, refuse derived fuel (RDF) plants, composting plants, and expensive recycling systems. Let's examine these “truths.”

“There are no safe landfills.” This is true for landfills built largely in unfit places, such as ravines, marshes, with no thought for the environment. Many leak and contaminate ground and surface waters. It is particularly difficult to site landfills in areas of loose glacial drift, acidic soils, abundant and sometimes acidic precipitation, high water tables and important aquifers, such as Minnesota. However, with the right conditions, sufficient resources and professional, careful engineering, safe landfills are perfectly possible, as described over the next several pages.

Types of Landfills. There are two types of safe landfills not always distinguished in literature.

A wet facility encourages decomposition by percolating moisture through the bio-mass, reducing the volume of organic material by 90 percent within several years. Managed right, decomposition then stops and the organic material becomes mostly inert ash. During rapid decomposition, leachates must be collected, stored, analyzed and tested so that no pollutants enter groundwater. Also, gases must be gathered and flared or sold.

A dry landfill discourages bacterial decomposition by denying moisture and air to the organic material. When the available air and moisture are depleted, decomposition stops and the mass becomes "mummified," producing little if any leachate or volatiles. Such a landfill might be reactivated by introducing moisture, air and perhaps bacterial seeding to recover volatile gases.

Dry landfills are most appropriate in arid climates, especially where the soils are alkaline bentonite clay, which prevents precipitation from entering the bio-mass. Because the wastes do not decompose, or produce leachates, such landfills are particularly safe.

Characterized by a very deep water table protected by impermeable geologic formations, and/or abundant, consolidated, unglaciated, tight, alkaline, bentonite clay soil; 12 inches of

***"...Montana is
ideal for safe
storage of
wastes."***

precipitation annually, a very high evaporation rate; and tens of millions of acres of sparsely populated, cheap land, Montana is ideal for safe storage of wastes.

***"...There are
hundreds of
millions of acres
of suitable land."***

Bentonite, a special self-sealant clay, is used to seal sewage stabilization ponds and other reservoirs which operate with over six feet of hydrostatic head: under proposed U.S. Environmental Protection Agency (E.P.A.) regulations, new landfills must operate under less than one foot of head. An alkaline soil, used as daily cover and as a bottom sealant, bentonite will bind to heavy metals keeping them from the environment.

With low precipitation and very high evaporation rate, there will be little if any leachate. Nevertheless, such landfills must be built to drain leachates, if any, into leakproof pits for storage, analysis, treatment and safe disposal. Operated correctly, assured of a proper closure and continuous monitoring, protected by a huge indemnification fund, this type of landfill would be safe. Certainly safer than incineration or composting.

Running Out of Landfills While we may be running out of landfill capacity, we are not, as some argue, running out of land suitable for landfills. The problem is that of permitting. There are hundreds of millions of acres of suitable land in the west, including Montana, where, with sufficient economic inducements, vast areas of land can become available for landfilling.

The True Cost of Landfill Disposal Allegedly, landfill tipping fees do not cover environmental protection or cleanup costs, and, therefore, do not

reflect the true cost of landfilling. When environmental costs are calculated, some argue that the expense of landfilling would equal that of incineration, RDF disposal or composting.

Indeed, when the cost of environmental protection is taken into account, tipping fees may triple or quadruple, to about \$15 a ton. Expensive, but still only a fourth of the cost of alternatives. For that matter, we do not know the true environmental costs of incineration or composting.

LIABILITY, AND 'TAKING CARE OF OUR OWN'

Some communities resist combining their wastes for disposal because they fear the liability posed by unknowns in their neighbor's refuse. However, the cost of going it alone may far exceed the cost of any liability that might arise from a regional landfill.

The cost of taking care of our own. Waste generators must guard against paying more for disposal than the cost of liability for even the most costly environmental damage, however remote. For example, were a community to dispose of

"...Waste-to-energy plants are very expensive, and consume inordinate amounts of resources and energy..."

1,000 tons per day (TPD) using a method that costs \$30/ton more than a regional landfill, the

community would waste an excess \$30,000 a day, \$11 million a year, or \$220 million in 20 years.

Invest this money at eight percent, compounded quarterly, the future value would be \$530 million

"The future value would be \$530 million over 20 years"

over 20 years. Reinvested for another 20 years after landfill closure, the cost, including lost investment, builds to \$2.3 billion, an exorbitant sum to protect against liability for events likely never to happen.

The Lesser Cost of Effective Indemnification. Were \$1 per ton of landfill tipping fees set into an indemnification trust fund and invested at eight per cent, compounded quarterly, the fund would grow to \$17.7 million in 20 years and to \$68.6 million 20 years after closure, a savings of more than \$2.5 billion, more than enough to cover any conceivable contingency.

RECYLCING

No one argues against conservation and recycling of resources whenever it is economical. But when separating, sorting, processing, and retrieving material consumes more resources than the energy and resources recovered, the result is itself a waste. Obviously, spending \$135/ton of waste to recover material worth \$25 is uneconomic.

Advocates argue that recycling reduces our dependence on landfills, but as previously

observed, we are not running out of suitable land. With a dry landfill, materials for which there is little use now can be safely conserved for future retrieval. Landfilling may be the most economical, safest way in which to conserve resources.

WASTE-TO-ENERGY PLANTS

Designers assert that waste-to-energy cogeneration plants are viable, economic means with which to extract energy from waste and reduce the demand for landfills, with steam and/or electricity revenues offsetting disposal costs.

Revenue. Revenue from waste: the idea appears irresistible. But close examination often shows that the resources spent cost more than the energy recovered.

Energy Required. Waste-to-energy plants are very expensive to build, operate and support, consume inordinate amounts of resources and energy, especially critical fossil fuels. To the energy required to manufacture steel, cement and

“Economically and environmentally it's the right thing for the host community to do”

other materials to erect an incinerator (costing more than \$300,000 per ton of daily capacity) must be added the fuel costs to transport wastes to remote transfer stations, to incinerators, and to move ash and reject material to separate landfills.

Economics. Under the Public Utilities Regulatory Practices Act, utilities must purchase electricity so generated at the utilities' avoided cost, essentially avoided fuel costs. Rarely [except

by legislation or regulatory edict] does this rate include capital investment and operating costs. True avoided cost is typically 1 to 1½ cents per kilowatt hour (Kwh). Required to pay more, electric customers are simply mandated to subsidize and camouflage the true cost of waste reduction.

Waste-to-energy plants, although small units, as generating plants go, require disproportionately large investment per kilowatt capacity because of the low heat value of waste. They also require extensive pollution control equipment (and large amounts of station energy) producing little electrical energy at great cost. The net cost of disposal can be profound. One analysis of a proposed 100-ton/day plant found that, even allowing a 10 cent/Kwh (retail) price for electricity, the net cost of tipping a ton of waste would be over \$100.

Advocates argue that burning reduces waste volume by 80 to 90 percent, thereby reducing the demand on diminishing landfill capacity. Were land the problem, this might be a valid argument. However, there is a surfeit of suitable land, if not near waste generators, then in Eastern Montana where space, soils, population, climate, geology and transportation offer an environmental and economic opportunity for both the landfill and waste-generating communities.

COMPOSTING

Composting allegedly offers a safer, if not lower cost waste disposal solution, reducing the demand for landfill capacity, but we have already exposed the false claim of insufficient land.

Composting costs between \$75 to \$80 per ton, compared to the Montana landfilling cost of less than \$50 per ton which includes transportation, financing a large indemnification fund, and host fees. The \$30 per ton difference will cost over \$11 million per year for each 1,000 tons per day. The composting capital cost alone is some \$75 million compared to \$5.8 million for a landfill of comparable capacity.

Conceptually innocuous, composting may in fact pose danger and significant liabilities to waste generators from pollutants leaching into ground

water or entering the food chain.

Composting requires large amounts of resources and energy: to pump large quantities of air through rotting compost refuse piles; to turn, haul and spread residue regularly; to monitor, sort, manage, and dispose of the waste. It is claimed that Class I compost — which everyone proposes to produce — can be sold to offset production costs.

However, there is now virtually no market, and should production become widespread, the economics would disappear entirely.

Siting composting facilities is not easy: they are odorous, unattractive and greatly increase local vehicle traffic. While composting may reduce dependence on local landfills, that issue would be rendered moot by siting a safe landfill in the vastness of Montana.

ABOUT MONTANA

It is difficult to fully appreciate the vast emptiness of the western plains referred to by early explorers and map makers as "The Great Desert." The Treasure State alone has almost 100 million acres of land, mostly in Eastern Montana.

The fourth largest state in the union, it is one of the least populated with most of its 800,000 citizens mostly in Western Montana. Eastern Montana ranches are hundreds of sections in size, with 50 acres or more needed to support one cow. Devoting one thousand acres (one one-hundred thousandths of the state), in thirty acre increments, to a landfill puts the concept into perspective when compared to total acreage (much available for less than \$50/acre), especially when the economics are considered.

Opponents may incite fear of waste importation by casting doubts on the character of refuse brought in, by citing the size of the landfill, by saying that Montana would become the 'Refuse Capital,' and characterizing host fees as a 'sellout.' Montana, especially Western Montana, is noted for the exploitation of its resources, economic mainstays which have brought tailing dumps, denuded mountain sides and large mills. By comparison, the landfill would open thirty acres at a time well away from the public view. At the same time, the economic benefit could be far more

rewarding and with far less harm to the environment. Montana will not have assumed a pollution problem, it will have solved one, and some of its own economic problems.

"...Everybody wins. It's the right thing to do!"

MONTANA COMMUNITIES

Montana communities often have poor waste disposal systems. As in other parts of the country, old landfills were sited in unsuitable places and many leak into surface and subsurface waters. E.P.A. rules, expected to become final soon, will make these landfills illegal by mandating that landfills be bottom sealed, provide leachate collection and treatment, peripheral monitoring, gas venting and financial responsibility for future contingencies. Prohibitive for small landfills, the cost of these requirements will be entirely manageable for a large, regional landfill also available for local use. Montana's environment will be spared damage from hosts of small, non-complying operations.

THE MINNESOTA CONNECTION

Minnesota, Land Of 10,000 Lakes, and other Midwestern areas characterized by high water tables, large aquifers and waterways traversing state lines, unconsolidated glacial drift, acidic soils, plentiful and sometimes acidic precipitation, and dense population, are said to be unsuitable for landfills.

These conditions have forced the use of high tech, high cost, capital intensive incineration and composting which cost over \$75 per ton, and up to \$110 per ton for recycling.

There is no more economic or moral imperative to "take care of our own" waste than there is that every state produce all of its food or fuel, especially if others are willing to do so better, safer and cheaper.

Waste can be safely shipped to and landfilled in Montana for less than \$50/ton, \$30/ton less than alternatives. For each 1,000 tons per day, the extra cost is \$30,000, or \$10,950,000 per year.

By shipping 1.6 million tons per year as proposed (about 30 per cent of Minnesota's waste) the direct annual saving would be \$48 million. Applying an 8 percent discount rate, compounded quarterly over 20 years, the excess cost, including the lost investment opportunity, would be \$2.3 billion. Computing excess cost another 20 years after closure, the economic loss amounts to over \$9 billion dollars, a very high price "to take care of our own."

THE RIGHT THING TO DO

Many say that local communities should build and operate their own waste facilities regardless of site conditions, population densities, climate and costs. Some assume that shipping wastes out of state simply transfers their problem. It does not.

The global environment is threatened from all sides by carbon dioxide, dioxins, heavy metals and acid rain crossing national borders. Safe landfills built in abundant alkaline bentonite soils of Montana, sited well away from populations, in a climate of low precipitation, deep water tables, and, hopefully using now empty coal trains, eliminates a waste disposal problem. It is the environmentally right thing to do.

It is economically right for the host community which will directly benefit from host fees, a greater tax base, the payroll and related economic activity. An entire new industry would return important capital to capital-poor Montana.

"...Montana will have solved a pollution problem and some of it's own economic problems"

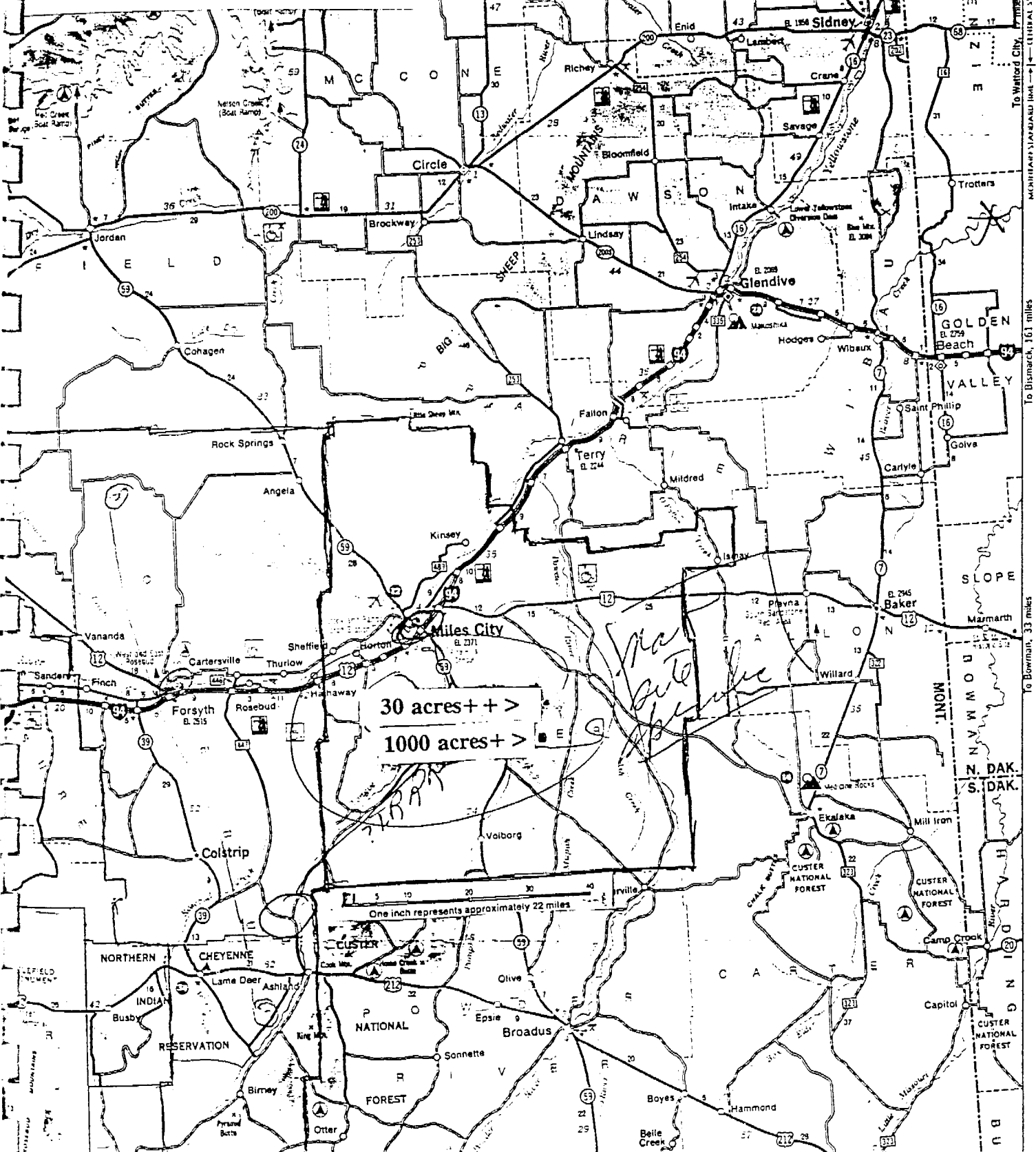
It is the right thing for Midwesterners whose disposal costs would be greatly reduced.

To the extent that use could be made of now empty back hauls of coal cars, the new revenues could reduce coal freight rates and benefit customers of utilities using Montana coal. Montana might market, and tax, greater coal deliveries. The back haul itself would conserve important resources.

Thus, landfilling in Montana does not transfer a problem, it resolves a now intractable waste disposal and environmental problem while providing economic benefits to both Montana and the Midwest. Everybody wins. It's the right thing to do!

ROBERT L. EHLERS

Johnberg Place
Saint Paul, Minnesota 55118 (612) 457-2666
Res. (612) 457-4184



— What we need to know about a regional landfill

TO THE CITIZENS OF CUSTER COUNTY

Dear friends and neighbors,

The matter of importation and landfilling of out-of-state wastes requires that you have full and accurate information: It's our objective to present the facts as fully and carefully as possible. It is a very important issue and we ask you to carefully consider the critical issues:

- Safety of the landfill
- Minimal adverse effect on the environment
- Direct new employment and payroll
- Consequential new employment
- Direct revenues from host fees
- Addition to the property tax base

It is important to know that, even with local approval, there will remain substantial risks, not to the county, but to those who have invested and will invest time and funds to put all of the elements together. We would still need to find a suitable site, get approval from appropriate state agencies, seek customers and large funding. A corporation has been formed but presently there is only one stockholder. Our local members do not expect to become shareholders until there is local approval, until there is a project.

Our present, continuing and overriding interest is that of revitalizing the community, in stemming its economic decline. But it is fair to say that, if you agree,

we then stand ready to risk our time, effort and money to bring about one of the most important developments in our community. We hope the enterprise will be profitable, but we will continue to live among you and as friends and neighbors when this is resolved, up or down. Thank you for listening.

SENATE HEALTH & WELFARE

Sincerely,

Doug Bengel

Bert Boughton

Larry Campodonico

EXHIBIT NO. 16

DATE 2/11/91

BILL NO. SB 209

Jim Lucas

Dick Mitchell Jr.

Bill Oftedal

Mark Richardson

The Win, Win:

Most successful enterprises are those where everyone wins. In this case Custer County, its residents and taxpayers stand to gain millions in direct revenues, employment and a payroll and consequential economic development.

**"...Custer County stands to
gain millions in direct
revenues, employment, and
consequential economic
development..."**

WITNESS STATEMENT

To be completed by a person testifying or a person who wants
their testimony entered into the record.

Dated this 11th day of Feb, 1991.

Name: Jack J. Smith

Address: 1911 A. Hudson - Baithe, MD.

Telephone Number: 723-8262

Representing whom?

Baithe - Silver Bow County

Appearing on which proposal?

SB 209

Do you: Support?

Amend?

Oppose? ✓

Comments:

EX. 166
2-11-91
SB 209

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 11th day of Feb, 1991.

Name: James F. Johnston

Address: 813 W. Silver St
Bethesda, Md.

Telephone Number: 723-8262 - Ext 341

Representing whom?

Bethesda Silver Bow Govt

Appearing on which proposal?

S-B 209

Do you: Support? ☐ Amend? ☐ Oppose? ☒

Comments:

Oppose the way the bill is to be
funded

9 10/2

DATE February 11, 1991

COMMITTEE ON Public Health, Safety & Welfare

SB 205 - ECK SB 259 - Frank
SB 209 - Yellowtail

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Jim Leiter	BFI of Montana	#205	✓	
Jack Kaud	WMP. Bismarck	#209	✓	
Barb Rootes	MT. Nurses Assoc.	259	✓	
Wendy Ellen Hansen	Montana Health Nurses Assn	259	✓	
Geo. OCHENSKI	WMM	209		
Bill True	Waste Mgt. Gt. Falls	209	✓	
James W. Hansen	Mont. Council on Int'l Health	259	✓	
Tracy Frazier	CITY-GR. HEALTH DEPT 1130 17 Ave S - Gt. Falls	209	✓	
Richard Nisbet	City of Helena	209		✓
Chris Kaufmann	MEIC	209	✓	
Dorette Kohman	MT Council Mat/Ch Hlth	205	✓	
Don McNeil	MEIC	209	✓	
Don CHANCE	BEAUREGARD COUNTY	209		✓
Olle Thorsen	MT Solid Waste Contractors	209	✓	
Dorette Kohman	MT Council Mat/Ch Hlth	205	✓	
Kate Cholewa	MT Women's Lobby	205	✓	
Kathleen Hansen	MT Assoc of Local Health	259	✓	
Jack Johnson	Booth School Bus	209		✓
Jim Johnson	"	259		✓
Richard Parks	NRCC	209	✓	
Mike Stahl	MT Nurses Assoc	259	X	
Janet Ellis	MT Audubon	209	X	
Jim Tillotson	City of Billings	209	✓	X
Tom Olsen	DRS	205	✓	
Alvin	SRS	205	✓	
Herb Hansen	Ga. ORCA	205	✓	

DATE 2-11-91

COMMITTEE ON Public Health, Welfare + Safety

SB 205, 209, 259

VISITORS' REGISTER

[illegible]

Amendments, Discussion, and Votes:

There being one objection by Senator Hager and 7 ayes the amendments were adopted.

Senator Towe asked if the amendments refer to the pre-school rules.

Senator Jacobson said yes, at the bottom of page 1 of the bill.

Recommendation and Vote:

Senator Franklin moved to pass SB 372 as amended. There being no objection the motion carried.

EXECUTIVE ACTION ON SENATE BILL 381

Motion:

Senator Jacobson moved adoption of the amendments in Exhibit #5.

Discussion:

Senator Jacobson explained the amendments.

Amendments, Discussion, and Votes:

There being no objection the amendments were adopted.

Senator Hager asked Senator Jacobson if she had agreements on the changes from both the mid-wives and the naturopathic physicians.

Senator Jacobson said she had an agreement from the mid-wives and sort of an agreement from the naturopathic physicians.

Recommendation and Vote:

Senator Pipinich moved to pass SB 381 as amended. There being no objection the motion carried.

EXECUTIVE ACTION ON SENATE BILL 209

Motion:

Senator Pipinich moved adoption of the amendments in Exhibit #6 and Exhibit #9.

Discussion:

Senator Pipinich explained his amendment's (Exhibit #6) by saying he has increased the fee's and added another type of facility entitled a 'Megafacility', changed the capacity to not more than 200,000 tons.

The chairman recognized Tom Gomez who said amendment #2 of Exhibit #6 adds a new category of facility which is entitled a megafacility and a filing fee structure of \$15,000 with a planned capacity of 200,000 tons of solid waste per year. The major facility continues to exist but is consistent with the new category for the fee structure. The new section 7, amendment #4 of Exhibit #6 creates language for a filing fee for a megafacility.

Senator Pipinich said he wanted to increase the price of a mega-landfill fee and increase the capacity amount.

Senator Towe asked if he was simply adding the megafill language.

Senator Pipinich said that was correct.

Senator Towe asked to review each one of the proposed amendments.

Senator Rye referred to Exhibit #7, his proposed amendments.

The chairman recognized Gene Huntington, representing the Environmental Quality Council (EQC) who said Senator Towe's amendment basically took what was in the rules and inserted it into the law (Exhibit #8). Senator Rye's amendment (Exhibit #7) would have changed parts of the same rules. Exhibit #9, which is titled the amendments of both Senators' Rye and Towe combines the amendments in Exhibits #7 and #8. He said the committee could pass the exhibits separately or together.

Senator Towe said he is more concerned about the procedure than the amounts. He wants to make sure that the fee's are in the statute and not in the statement of intent because he fears there is a constitutional problem. He said he is taking the fee's and inserting them into the law.

The chairman asked Senator Rye if he was satisfied with the amendments denoted in Exhibit #8.

Senator Rye said he was.

Senator Pipinich said if we make a mega-landfill in certain areas as the coal trains ship their freight out they return with waste from other states. He said he was concerned about this. He said if Montana was going to accept out-of-state waste we needed to make the fee's high enough to do a proper job of disposal and an adequate level of control. He said he does not want to hurt any existing landfills in any Montana community.

Senator Pipinich continued by saying he hopes the intent of the bill does not do that.

Senator Towe said Senator Pipinich was concerned about the 200,000 plus tonnage, which is not his concern for Billings. He wanted to know if the two concepts could be combined. He said Senator Pipinich is concerned about the cost factor of the mega-dumps.

The chairman recognized Gene Huntington who said if the committee approved Exhibit #6 and Exhibit #9 it would accomplish that goal because it repeals the per ton fee but includes a per ton fee in the statute for the megafacility.

Senator Rye wanted to know if it would increase the fee's for the City of Billings.

Senator Towe asked Gene Huntington if the largest dump in Billings was 120,000 tons.

Mr. Huntington said that on the outside they are at 140,000 tons which is the largest they will get. The big cities will see a dramatic reduction and small cities will see their's go up.

Senator Towe wanted to know about the .20 cents per ton figure from Senator Pipinich.

Senator Pipinich said he wanted to leave it at .20 cents per ton because if HB 377 passes, it is more than the .20 cents.

Mr. Huntington said it has authority to impose a local fee. The idea of the application fee would pay for the costs.

Amendments, Discussion, and Votes:

There being 1 objection by Senator Jacobson and 7 ayes the amendments passed.

Senator Jacobson said her county has just raised fee's and she has concerns about increases in the future.

Recommendation and Vote:

Senator Towe moved adoption of SB 209 as amended. There being 1 nay by Senator Jacobson and 7 ayes the motion carried.

PUBLIC HEALTH, WELFARE
AND SAFETY

COMMITTEE

Date 2/22/91

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BURNETT	X		
SENATOR FRANKLIN	X		
SENATOR HAGER	X		
SENATOR JACOBSON	X		
SENATOR PIPINICH	X		
SENATOR RYE	X		
SENATOR TOWE	X		
SENATOR ECK	X		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 23, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 209 (first reading copy - white), respectfully report that Senate Bill No. 209 be amended and as so amended do pass:

1. Page 1, line 19.

Strike: "6"

Insert: "7"

2. Page 2.

Following: line 4

Insert: "(1) Megafacility. \$15,000 for a facility with a planned capacity of more than 200,000 tons of solid waste per year."

Renumber: subsequent subsections

3. Page 2, line 7.

Following: "year"

Insert: "but not more than 200,000 tons per year"

4. Page 2, line 13 through page 3, line 22.

Following: "renewal" on line 13

Strike: "and" through "pounds" on page 3, line 22.

5. Page 3, line 23.

Following: "facility;"

Insert: "and"

6. Page 9, lines 1 and 2.

Following: "renewal" on line 1

Strike: "1" through "disposal." on line 2

Insert: "and based upon the following formula:

(i) for a major facility with a planned capacity of more than 25,000 tons of solid waste a year, \$8,000;

(ii) for an intermediate facility with a planned capacity of more than 5,000 tons a year but not more than 25,000 tons per year, \$6,000; and

(iii) for a minor facility with a planned capacity of not more than 5,000 tons a year, \$4,000."

7. Page 11.
Following: line 16
Insert:

NEW SECTION. Section 7. Filing fee for megafacility --
use. An applicant for a license under 75-10-221 to operate a
megafacility shall pay to the department a filing fee as provided
in this section based upon the department's estimated costs of
processing the license application. The filing fee must be
deposited in the solid waste management account, provided for in
75-10-117, for use by the department in licensing the facility.
The initial filing fee may not exceed the following scale, based
upon the megafacility's projected annual tonnage of waste:

- (1) Base fee of \$10,000; plus
- (2) 20 cents a ton for every ton of waste over 200,000 tons.

NEW SECTION. Section 8. {standard} Codification
instruction. [Section 7] is intended to be codified as an
integral part of Title 75, chapter 10, part 2, and the provisions
of Title 75, chapter 10, part 2, apply to [section 7].

NEW SECTION. Section 9. Coordination instruction. If
Senate Bill No. 377 is passed and approved and if it includes a
section that provides a filing fee for a certificate of site
acceptability for a megalandfill, then [section 7 of this act] is
void."

Renumber: subsequent sections

Signed: _____
Dorothy Eck, Chairman

2-23-91
Amd. Coord.

2-23-91 15:30
Sec. of Senate

Amendments to Senate Bill No. 209
First Reading Copy

SENATE HEALTH & WELFARE

EXHIBIT NO. 6

DATE 2/22/91

Requested by Sen. Pipinich
For the Committee on Public Health

(BILL NO. 209)

Prepared by Paul Sihler
February 19, 1991

1. Page 1, line 19.

Strike: "6"

Insert: "7"

2. Page 2.

Following: line 4

Insert: "(1) Megafacility. \$15,000 for a facility with a
planned capacity of more than 200,000 tons of solid waste
per year."

Renumber: subsequent subsections

3. Page 2, line 7.

Following: "year"

Insert: "but not more than 200,000 tons per year"

4. Page 11.

Following: line 16

Insert:

NEW SECTION. Section 7. Filing fee for megafacility --
use. An applicant for a license under 75-10-221 to operate a
megafacility shall pay to the department a filing fee as provided
in this section based upon the department's estimated costs of
processing the license application. The filing fee must be
deposited in the solid waste management account, provided for in
75-10-117, for use by the department in licensing the facility.
The initial filing fee must not exceed the following scale, based
upon the megafacility's projected annual tonnage of waste:

(1) base fee of \$40,000; plus

(2) 20 cents a ton for every ton of waste over 200,000 tons.

NEW SECTION. Section 8. {standard} Codification
instruction. [Section 7] is intended to be codified as an
integral part of Title 75, chapter 10, part 2, and the provisions
of Title 75, chapter 10, part 2, apply to [section 7].

NEW SECTION. Section 9. Coordination instruction. If
Senate Bill No. 377 is passed and approved and if it includes a
section that provides a filing fee for a certificate of site
acceptability for a megalandfill, then [section 7 of this act] is
void."

Renumber: subsequent sections

Amendments to Senate Bill No. 209
First Reading Copy

Requested by Senator Rye
For the Committee on Natural Resources

Prepared by Paul Sihler
February 21, 1991

SENATE HEALTH & WELFARE

EXHIBIT NO. 7

DATE 2/22/91

§ BILL NO. 209

1. Page 2, lines 18 through 20.
Following: "renewal" on line 18
Strike: "and" through "year" on line 20
2. Page 2, line 22.
Strike: "\$3,500"
Insert: "\$8,000"
3. Page 2, line 25.
Strike: "\$3,000"
Insert: "\$6,000"
4. Page 3, line 3.
Strike: "\$2,500"
Insert: "\$4,000"
5. Page 3, lines 5 through 22.
Strike: the remainder of the statement of intent in its entirety
6. Page 8, line 23.
Following: "facility;"
Insert: "and"
7. Page 9, lines 1 and 2 .
Following: "renewal" on line 1
Strike: "i" through "disposal" on line 2

Amendments to Senate Bill No. 209
First Reading Copy

Requested by Senator Towe
For the Committee on Public Health

Prepared by Paul Sihler
February 22, 1991

SENATE HEALTH & WELFARE

EXHIBIT NO. 8

DATE 2/22/91

§ BILL NO. 209

1. Page 2, line 20 through page 3, line 7.
Strike: "The" on page 2, line 20 through "75-10-221." on page 3,
line 7

2. Page 9, line 1.
Following: "renewal"

Insert: "and based upon the following formula:

(i) for a major facility with a planned capacity of more
than 25,000 tons of solid waste a year, \$3,500;

(ii) for an intermediate facility with a planned capacity of
more than 5,000 tons a year but not more than 25,000 tons per
year, \$3,000; and

(iii) for a minor facility with a planned capacity of not
more than 5,000 tons a year, \$2,500."

3. Page 9, line 2.
Following: "disposal."

Insert: "The fee must reflect the cost to the department of
administering the solid waste program based upon the level
of funding appropriated by the legislature."

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 2/22/91

S Bill No. 209
200

Time 5:01 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON		X
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Pipinich moved to pass the amendments denoted
in Exhibits #6 and #9. There being one nay by Senator Jacobson
and 7 ayes the motion carried.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By CHAIRPERSON BOB RANEY, on March 19, 1991, at 3:20 p.m.

ROLL CALL

Members Present:

Bob Raney, Chairman (D)
Mark O'Keefe, Vice-Chairman (D)
Beverly Barnhart (D)
Vivian Brooke (D)
Ben Cohen (D)
Ed Dolezal (D)
Orval Ellison (R)
Russell Fagg (R)
Mike Foster (R)
Bob Gilbert (R)
David Hoffman (R)
Dick Knox (R)
Bruce Measure (D)
Tom Nelson (R)
Bob Ream (D)
Jim Southworth (D)
Howard Toole (D)
Dave Wanzenried (D)

Staff Present: Gail Kuntz, Environmental Quality Council
Paul Sihler, Environmental Quality Council
Lisa Fairman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

HEARING ON SB 209

Presentation and Opening Statement by Sponsor:

SEN. BILL YELLOWTAIL, SD 50 - Wyola, presented SB 209, one of a package of bills arising from interim work of the Environmental Quality Council (EQC) relating to solid waste management. He said Montana needs to retain state primacy, and have the ability to provide technical assistance to local governments who have the regulatory burden. As a result of Subtitle "D" regulations, there will be substantial new movement in Montana toward consolidation and closure of local solid waste management dumps. Local governments need help to respond. Primacy offers the state the

opportunity to mold issues, such as siting, licensure and infectious waste management, to suit its needs.

There is increased interest in importing out-of-state wastes. A system is needed to manage this development and SB 209 addresses that issue. It provides a source of funding for the solid waste management function of the Department of Health and Environmental Sciences (DHES). Currently there are approximately three FTEs in the Department. A substantial boost in staff is needed to adopt a federally approved Subtitle "D" program.

In addressing funding needs, the EQC Advisory Committee on Solid Waste Management felt any new source of revenue should come from those receiving services. EQC determined a new funding system should reflect the volume of solid waste, state costs to review applications and complete annual licensing programs, provide incentive for waste reduction, and give incentive for consolidating small systems.

The general policy in the bill is in Section 2, Page 5. Line 17 says costs for the management and regulation of solid waste management systems should be charged to the people generating solid waste to encourage a reduction. The bill sets fee and licensure levels. The bill is the Senate committee's amended version. The House committee may want to make corrections. The bill sets out initial application fees and annual renewal fees, but a per-ton license fee to encourage generators of garbage to reduce the flow may be more appropriate.

Proponents' Testimony:

Tony Grover, DHES Solid Waste Program, supported SB 209. EXHIBIT 1 He submitted an excerpt from the fiscal year (FY) 1992 draft RCRA Implementation Plan, by the Environmental Protection Agency (EPA). EXHIBIT 2

Gordon Morris, Montana Association of Counties (MACO), supported the bill, but only if amendments were included. EXHIBIT 3

Pete Frazier, Director of Environmental Health for the Cascade City-County Health Department, Director of the Cascade County Solid Waste Disposal District, supported SB 209 with some reservations. EXHIBIT 4

Tom Hammerbacker, Conrad Mayor and a member of the Board of Directors for the Northern Montana Joint Refuse District, supported SB 209 with amendments proposed by Mr. Morris.

Chris Kaufmann, Montana Environmental Information Center (MEIC), said SB 209 is the most important solid waste bill this session. The bill gives Montana primacy for solid waste management. Without the bill, EPA would become the regulator of landfills in Montana. The state program can respond better to state needs.

The state, EQC and legislators recognize the need to move forward in solid waste management, emphasizing recycling, reduction and reuse. Funds must be provided to do this. The bill places a fee on landfills with a good balance between large and small cities. She supports amendments presented by Mr. Morris to charge based on the volume of waste, and urged the committee to pass the bill as amended.

Bruce McCandless, Billings' Assistant City Administrator, supported the bill without House amendments. He said the objective of SB 209 is to set the primary funding mechanism for the solid waste program. Secondly, it will reduce solid waste. There is a better mechanism to reduce solid waste than a per-ton fee. As solid waste declines, the fee will increase because state employees will not be laid off. There will be legal challenges if it is a tax because the state's ability to tax local governments has not been established.

The state should collect its own taxes, not make local government tax collectors. The fee should be reasonable and equal to the services provided. He won't support HB 209 with the fee schedule. The Senate's version of the bill provides necessary fees to operate the program. Fees will cost Billings approximately \$50,000 a year based on the Senate-passed version. He urged the committee to pass SB 209 as amended by the Senate.

Kay Blehm, Northern Plains Resource Council and Yellowstone Valley Citizens Council, supported SB 209 in the amended form outlined by MACO. A 31 cents per ton fee seems equitable. Incentive to reduce waste would help the state reach the 25 percent reduction set on the federal level. A strong state program will ensure environmental safeguards are in place so landfills are less likely to become Superfund sites, as has occurred in Billings.

Frank Crowley, Montana Solid Waste Contractors Association, said he represents private haulers and landfill operators across Montana. He supported SB 209 and endorsed SEN. YELLOWTAIL's comments and the original funding formula. Board members voted unanimously to endorse SB 209. He submitted letters reflecting their support. EXHIBIT 5

Janet Ellis, Montana Audubon Legislative Fund, supported the original funding formula and opposed the Senate-amended version of the bill.

REP. DON LARSON, HD 65 - Seeley Lake, supported SB 209 with amendments proposed by Mr. Morris. He said proposed fees comprise 13 percent of the budget of the small landfill on the north end of Missoula County. He urged the committee to resist present fees.

Opponents' Testimony:

Richard A. Nisbet, Helena's Director of Public Works, opposed SB 209. EXHIBIT 6

Questions From Committee Members:

REP. KNOX asked SEN. YELLOWTAIL the reason for Page 4, Section 1, Subsection 3. SEN. YELLOWTAIL said existing law refers to costs established by local government. It provides for county commission approval, subject to a public hearing when fee increases are proposed. SB 209 would impose a state user fee that would be passed on through so that it would not constitute a fee increase by local government.

Closing by Sponsor:

SEN. YELLOWTAIL said he understands Billings' concern. The city will benefit if the bill is amended as proposed by Mr. Morris. The per-ton fee will encourage people to decrease the amount of waste they generate. It is a use fee. General Fund money could be used, but that is from taxes. This is a logical way to maintain state primacy.

HEARING ON SB 346

Presentation and Opening Statement by Sponsor:

SEN. JOHN HARP, SD 4 - Kalispell, said SB 346 would establish a solid waste management fee for waste generated outside the state. Montana may face decisions in the near future because of costs in other areas. EQC interim studies say Montanans should not have to subsidize the regulation of solid waste that originates in other states. A quarterly fee of \$5 per ton is proposed.

There is a question about how interstate commerce law affects the imposition of a fee to move a product from one state to another. The effective date would be July 1, 1993, because West Yellowstone is already importing solid waste from out-of-state. The effective date would provide advance notice of any changes. SB 346 would generate approximately \$100,000 based on existing levels of imported wastes.

Proponents' Testimony:

Neva Hassanein, Northern Plains Resource Council, strongly supported SB 346. She said DHES would not be able to deal with a large project as currently funded. The bill allows adequate funding.

Ms. Kaufmann, MEIC, said one reason out-of-state firms look to Montana to dispose of waste is that Montana's fees are extremely low. There are costs associated with accepting large amounts of waste from out of state. This fee is appropriate. It is important for SB 346 to pass.

LINE 18. Motion carried unanimously.

Motion: REP. BROOKE MOVED SB 400 BE CONCURRED IN AS AMENDED.

Discussion: REP. TOOLE expressed concern about the way Sub 3, Line 4, Page 2, refers to only civil penalty. He said it should either be left alone or the words "and criminal penalties" on Line 7 after the word "civil" should be omitted.

Vote: Motion that SB 400 be concurred in as amended carried unanimously. Reps. Ream and Wanzenried were absent for voting.

REP. SOUTHWORTH volunteered to carry the bill.

EXECUTIVE ACTION ON SB 209

Motion: REP. GILBERT MOVED SB 209 BE CONCURRED IN.

Discussion: REP. RANEY said a technical amendment is needed. The reference to SB 377 should be HB 377.

Motion/Vote: REP. RANEY MOVED TO STRIKE "SENATE" ON LINE 21, PAGE 12, AND INSERT "HOUSE". Motion carried unanimously.

Motion: REP. GILBERT MOVED TO REINSERT LANGUAGE ORIGINALLY IN THE BILL ON THE BOTTOM OF PAGE 2 THROUGH PAGE 3, STRIKING LANGUAGE INSERTED BY THE SENATE AND READJUSTING THE LICENSE AND APPLICATION FEES TO THE AMOUNT INITIALLY INTRODUCED.

Discussion: Paul Sihler, EQC, asked the committee to pass a conceptual amendment if it decides to amend the bill so that he can work on the sections as needed.

Vote: Motion to adopt a conceptual amendment carried unanimously.

Motion: REP. GILBERT MOVED SB 209 BE CONCURRED IN AS AMENDED. Motion carried unanimously. Reps. Ream and Wanzenried were absent from voting.

REP. GILBERT said he would carry SB 209.

EXECUTIVE ACTION ON SB 346

Motion: REP. GILBERT MOVED SB 346 BE CONCURRED IN.

Discussion: REP. Gilbert said the top of Page 2 talks about a \$5 per ton fee. That fee is an arbitrary number. If waste is imported, the fee will be adjusted up or down according to the actual cost to the state.

Vote: Motion carried unanimously. Reps. Ream and Wanzenried were absent for voting.

REP. GILBERT said he would carry SB 346.

HOUSE OF REPRESENTATIVES
NATURAL RESOURCES COMMITTEE

ROLL CALL

DATE 3-19-91

NAME	PRESENT	ABSENT	EXCUSED
REP. MARK O'KEEFE, VICE-CHAIRMAN	✓		
REP. BOB GILBERT	✓		
REP. BEN COHEN	✓		
REP. ORVAL ELLISON	✓		
REP. BOB REAM	✓		
REP. TOM NELSON	✓		
REP. VIVIAN BROOKE	✓		
REP. BEVERLY BARNHART	✓		
REP. ED DOLEZAL	✓		
REP. RUSSELL FAGG	✓		
REP. MIKE FOSTER	✓		
REP. DAVID HOFFMAN	✓		
REP. DICK KNOX	✓		
REP. BRUCE MEASURE	✓		
REP. JIM SOUTHWORTH	✓		
REP. HOWARD TOOLE	✓		
REP. DAVE WANZENRIED	✓		
REP. BOB RANEY, CHAIRMAN	✓		

CS05NATRES.MAN

2:00
3-20-91
JDB

HOUSE STANDING COMMITTEE REPORT

March 20, 1991

Page 1 of 2

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 209 (third reading copy -- blue) be concurred in as amended.

Signed: Bob Raney
Bob Raney, Chairman

Carried by: Rep. Gilbert

And, that such amendments read:

1. Page 2, line 21.
Following: "renewal"

Insert: "and a volume fee related to the estimated amount of solid waste to be disposed of each year. All solid waste systems must pay these fees in order to receive a license under 75-10-221. The initial volume fee may not exceed 31 cents per ton.

For the purposes of estimating the volume for small solid waste management systems or for systems that choose not to weigh or measure the volume of waste managed, the following formulas are suggested:

Solid waste should be assumed to be generated at the following per capita rates:

<u>Population</u>	<u>Tons Per Year</u>
Greater than 5,000	1.04
1,000 - 5,000	0.59
Less than 1,000 and unincorporated areas	0.41

For the purpose of conversion between solid waste weight and volume, the following equivalents are suggested:

- (1) One uncompacted cubic yard equals 300 pounds; and
- (2) One compacted cubic yard equals 700 pounds."

2. Page 9, line 1.
Strike: "AND"

3. Page 9, line 8.
Strike: "\$8,000"
Insert: "\$3,500"

4. Page 9, line 11.
Strike: "\$6,000; AND"
Insert: "\$3,000;"

5. Page 9, line 13.

Strike: "\$4,000."

Insert: "\$2,500; and

(c) a volume-based fee on solid waste disposal."

6. Page 12, line 21.

Strike: "SENATE"

Insert: "House"

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

EXHIBIT 1
DATE 3-19-91
~~NO~~ SB 209



STAN STEPHENS, GOVERNOR

FAX #(406) 444-1499

STATE OF MONTANA

OFFICE 836 Front Street
LOCATION: Helena, Montana

MAILING Cogswell Building
ADDRESS: Helena, MT 59620

Solid and Hazardous Waste Bureau
(406) 444-1430

February 8, 1991

DHES TESTIMONY ON SB 209
SOLID WASTE FEE BILL

DHES supports the adoption of a solid waste fee system to fund increased state solid waste management efforts in Montana. Five significant issues are driving the need for additional staff and resources at the state level now:

- 1) Importation - Montana must regulate the disposal of out-of-state generated wastes in essentially the same manner as in-state generated solid wastes are regulated. Several informal proposals for landfilling or incineration of large quantities of imported special and solid wastes are under consideration across the state. Other states that have attempted to regulate imported solid wastes more stringently than in-state wastes have had their regulatory programs declared unconstitutional.
- 2) State Primacy in Solid Waste - New Federal rules (commonly known as Subtitle-D) for landfill siting, operation, monitoring and recordkeeping are pending. For Montana to retain Primacy in Solid Waste the state must have a system of laws, regulations, and adequate staff and funding to receive a Determination of Adequacy by the Federal EPA.
- 3) Increase in Number and Complexity of License Applications - DHES is now processing 8 solid waste management system license applications. At least 16 other license applications will be filed within the next year. At present there are several landfill license applications under review by program staff that include designs for liners, covers, and leachate collection systems. Several of the pending applications will include similar design components as well as methane monitoring and collection systems. Currently there are no licensed landfills in Montana with either liners or leachate collection systems.
- 4) Broadening Scope of Solid Waste Program Responsibilities - Public interest, changing regulations and emerging technologies are causing the solid waste program to broaden the scope of program activities to include: waste reduction, recycling, incineration, composting, and baling. Also new technologies are required to license the management of special wastes such as: infectious waste, medical waste, used oil, household hazardous wastes, conditionally exempt small quantities of hazardous wastes, tires, and batteries.

5) Inspections - The four issues outlined above will result in an increased work load for DHES's solid waste facility inspection staff. More time will be required at each site to assess the compliance status of these complex solid waste management and disposal systems. Technical assistance and advice to the owners and operators of the facilities will result in inspectors staying longer at each site, resulting in fewer sites being visited on each inspection trip.

For larger metropolitan areas of Montana such as Billings or Great Falls the fees will result in an increased annual cost per capita of 45 cents or less. Program funding sources are (Figure 1): general fund (30%), new license applications (31%), license renewals (11%), and a per ton disposal fee (28%). The proposed disposal fee of 31 cents per ton is low compared to other states (Figure 2).

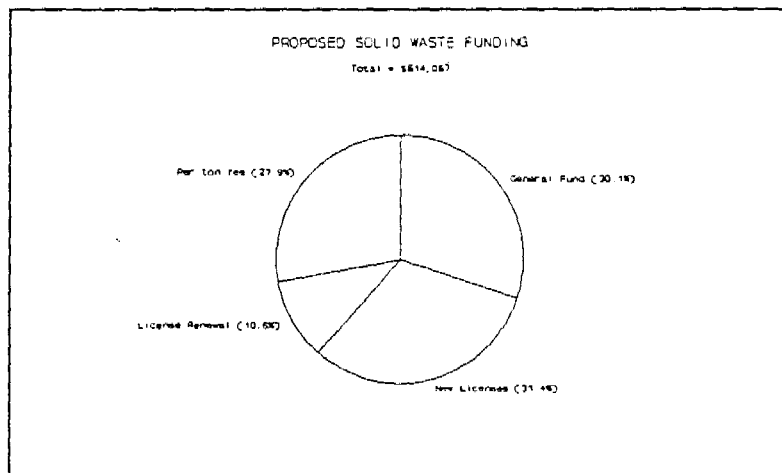


Figure 1 - Breakdown of Solid Waste Funding by source.

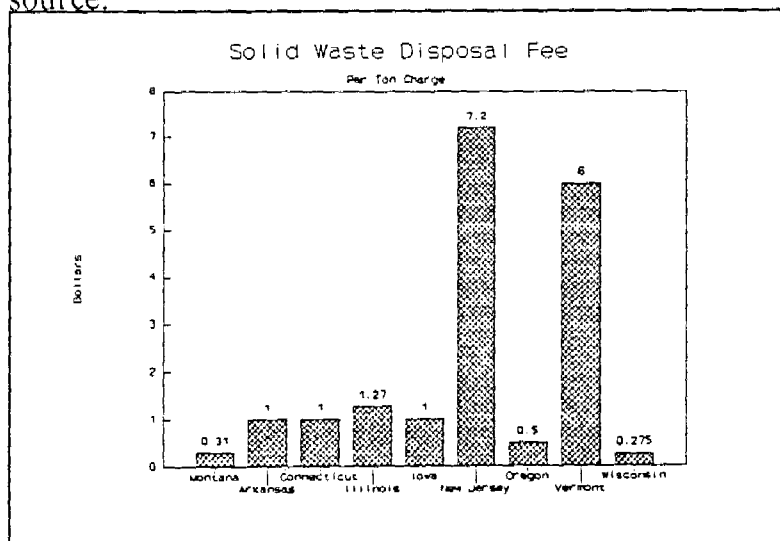
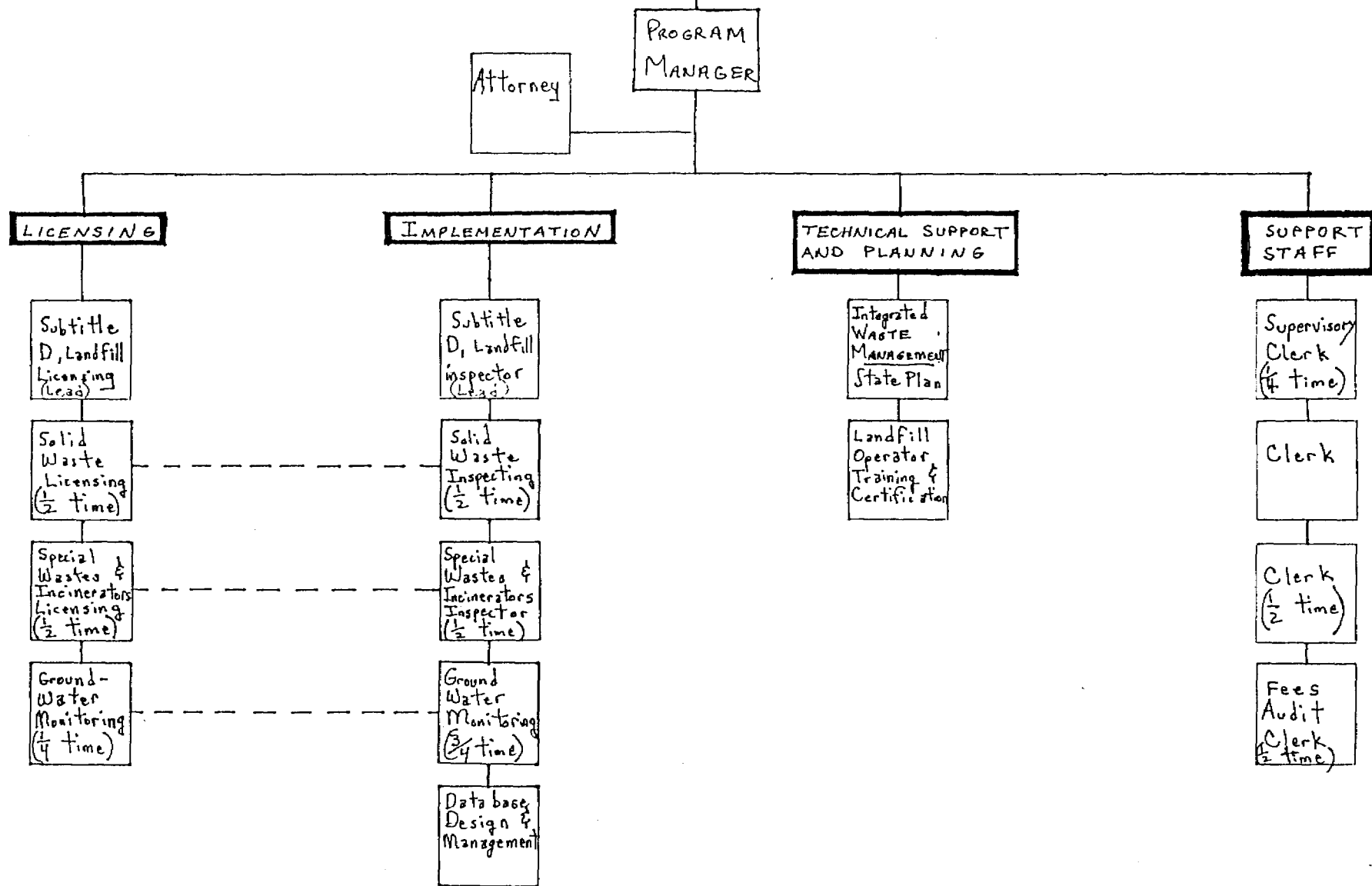


Figure 2 - Montana's proposed per ton fee compared to other states.

Bureau and Section Level (3/4)



ANTICIPATED SOLID WASTE PROGRAM ORGANISATION IN FY 1993

AWG 11/13/90

EXHIBIT 1
 DATE 3-14-91
 BY SB 209



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

EXHIBIT 2
DATE 3-19-91
SB 209

FEB 12 1991

MEMORANDUM

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

SUBJECT: Draft 92 RCRA Implementation Plan
m.a. g.
FROM: Don R. Clay
Assistant Administrator
TO: Regional Waste Management Directors

Attached is the draft FY 92 RCRA Implementation Plan (RIP) for your review. Please send comments by March 4 to Judy Kertcher (OS-110) with a copy to the Directors of the Offices of Solid Waste (OS-300) and Waste Programs Enforcement (OS-500).

The draft RIP presents a new approach to managing the hazardous waste program. It expands our efforts to set priorities and allocate resources based on environmental benefit, while allowing you and States flexibility to deal with your most pressing environmental problems. I look forward to hearing your reaction to the framework we've proposed.

We will host a meeting on the draft RIP on February 28 at Crystal City, Virginia, Gateway Marriott Hotel. An agenda is being sent to your staff under separate cover.

Thank you for your help with drafting this guidance document. I look forward to hearing your and the States' views on the final document.

Attachment

cc: Tom Kennedy, Executive Director
ASTSWMO

EXHIBIT 2
DATE 3-19-91
~~SB~~ SB 209

FY 92 DRAFT RIP

February 4, 1991

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B - RELEVANT GUIDANCE DOCUMENTS

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SB 209

CHAPTER 6

MUNICIPAL AND INDUSTRIAL SOLID WASTE MANAGEMENT

Program Objectives

The objectives of EPA's municipal and industrial solid waste (MISW) program are to: (1) ensure protection of health and the environment; (2) comply with the mandates of Subtitle D of RCRA; (3) support a team approach to promote and implement integrated waste management and Challenges for the 1990's; (4) work toward achieving the 25% national goal of source reduction and recycling by 1992; and (5) renew a national leadership presence through technical assistance and information development and dissemination.

Municipal Solid Waste National Priorities

State/Tribal program development and implementation of the revised criteria for MSW landfills (Part 258) remain the first priorities for Headquarters, the Regions, and the States/Tribes in FY 92. The other national priorities listed in this chapter are not ordered in terms of importance but represent a comprehensive framework for implementing the municipal solid waste program effectively. Each Region and State/Tribe should determine its progress in these national priority activities and establish Regional and State/Tribal priorities drawn from the major activities listed later in this chapter.

- o Enhance the Federal-State/Tribal partnership by working with States/Tribes to develop permit programs to ensure compliance with the revised criteria and to develop approvable applications.
- o Promote the implementation of the revised criteria.
- o Promote the goals of Challenges for the 1990's through effective implementation.
- o Encourage source reduction activities by providing project support and technical assistance.
- o Support recycling efforts through market development and procurement activities.

40 CFR Part 258
Subtitle D

Industrial Solid Waste National Priorities

Data collection and analysis are the first priorities for the industrial solid waste program in FY 92. In FY 91, the Agency began collecting data on industrial waste generation, waste minimization and waste management practices. After analyzing this data and characterizing the industrial solid waste universe, EPA will begin exploring innovative pollution prevention and waste management incentives to address public health and environmental problems that are identified. Priority activities include:

- o Complete data collection activities.
- o Characterize the industrial solid waste universe through an analysis of the collected data.
- o Begin exploring innovative incentives to ensure environmentally sound industrial solid waste management.

Overview of Municipal Solid Waste Activities

State/Tribal/EPA Relationship: EPA's role in the MISW program is to facilitate State, Tribal, and local implementation of the program, including the revised criteria. Facilitation activities include regulatory and guidance development, training, technical assistance, and information development and dissemination. EPA will focus these activities on implementation of the revised criteria and State/Tribal program development.

Revised Criteria -- State/Tribal Program Development: The primary focus of our activities in FY 92 will be to assist States/Tribes in implementing the revised municipal solid waste landfill criteria through the development of permit programs that meet the requirements of Section 4005(c) and the requirements of the State Implementation Rule (SIR). The revised criteria will be promulgated in final form during FY 91. The SIR is scheduled for proposal in March 1991, with final promulgation scheduled for twelve months after proposal. Draft SIR guidance also is scheduled for issuance in March 1991 and will be complemented by workshops based on the SIR guidance and other training materials.

States are required to adopt and implement a permit program (or other system of prior approval and conditions) to ensure compliance with the revised criteria within eighteen months of promulgation. Tribes may seek approval of their MSW landfill permit programs. In view of the limited time between promulgation of the final SIR and the statutory deadline,

States/Tribes are urged not to wait for the final SIR rule and guidance and are encouraged to use the proposed SIR and the draft SIR guidance as a basis for reviewing current programs, developing programs that will meet the adequacy determination criteria, and drafting adequacy determination applications. States/Tribes should review applicable statutes, regulations, and guidance to determine their adequacy to ensure compliance with 40 CFR Part 258 based on Section 4005 (c) and the adequacy determination criteria in the proposed SIR.

Regions should continue working with the States/Tribes to assist in interpreting the revised criteria and the SIR requirements. In FY 1991, we encouraged the Regions to develop implementation plans which identify outreach activities to the States/Tribes, needed training, and schedules for receipt and review of adequacy applications. Regions should review these plans, update them as necessary, and continue to implement them as appropriate.

When States/Tribes have identified needed revisions to their statutes/regulations/guidance, they should develop a schedule for making these revisions, as well as a schedule for developing and submitting an application by the effective date of the municipal solid waste landfill (MSWLF) criteria (Part 258). If requirements of a governing Administrative Procedures Act extend the statutory or regulatory development process beyond the eighteen month schedule provided in RCRA, the State/Tribe will need to submit a letter of intent together with a schedule for application submission. Since the Regional offices will make all adequacy determination decisions, all letters of intent, schedules, and applications are to be submitted to the Regional offices for review and determination.

In addition to developing programs that meet the adequacy determination criteria, States/Tribes need to plan for implementation of the revised criteria. Efforts should be focused on addressing closing facilities to ensure compliance with the revised criteria, development of permitting and enforcement strategies, and addressing the need for continued capacity as facilities close.

Challenges for the 1990's: While criteria implementation through development and approval of State/Tribal permit programs is our primary activity, efforts need to be continued on source reduction and recycling activities. The Agency's updated national strategy, The Solid Waste Dilemma: Challenges for the 1990's, will be issued later in 1991. Challenges highlights accomplishments since February 1989, includes challenges for all levels of government, business/industry, public interest groups, and private citizens, and outlines a number of MSW activities. Specific EPA activities for FY 1992 are outlined in Challenges.

Major Activities for Municipal Solid Waste

Headquarters:

- o Finalize the SIR, SIR guidance and training.
- o Conduct criteria implementation workshops for States, Tribes and local governments.
- o Continue to support development and implementation of solid waste programs on Indian lands.
- o Work with Regions, States and Indian Tribes to develop training modules based on a needs assessment.
- o Facilitate the implementation of Challenges for the 1990's.
- o Continue to work with States/Tribes and the Regional Implementation Team to develop and implement MISW activities.
- o Continue to facilitate peer matching.
- o Continue to develop and distribute information on solid waste issues/areas.
- o Continue outreach and development efforts in the areas of source reduction and recycling.
- o Track success in reaching the national recycling goal.
- o Facilitate procurement workshops in six Regions; prepare and distribute an evaluation of the workshops.
- o Continue national efforts on procurement guideline development and implementation and other market development activities.
- o Continue to prepare for RCRA reauthorization.
- o Review State plan guidelines to determine need for revision.
- o Facilitate implementation of developed solid waste curricula.
- o Continue to conduct necessary solid waste research.
- o Coordinate MISW's activities with pollution prevention

and public-private partnership activities.

- o Complete industrial solid waste data collection activities; analyze data and characterize the industrial solid waste universe; begin to explore innovative incentives for environmentally sound industrial solid waste management.

Regions:

- o Continue to work with State/Tribes to develop adequate permit programs and implement the revised criteria.
- o Review Regional MSWLF criteria implementation plans, update as necessary, and continue to implement the plans.
- o Conduct SIR workshops in States as appropriate.
- o Conduct MSWLF criteria training as appropriate.
- o Continue to support the development and implementation of solid waste programs on Indian lands.
- o Provide technical assistance -- including training, speeches, and presentations -- to States, Indian Tribes, and local governments.
- o Facilitate State/Tribal and local activities in implementing Solutions for the 1990's, focusing on procurement and recycling market development activities.
- o Provide assistance to States/Tribes and local communities as they work toward achieving the national recycling goal.
- o Work with Headquarters, States/Tribes, and local communities to assess and address local needs.
- o Continue outreach and development efforts in the areas of source reduction and recycling.
- o Continue Regional procurement and market development efforts, including the procurement workshops and follow-up activities.
- o Work with States to develop and implement procurement strategies.
- o Continue to participate in the Regional Implementation

Team.

- o Update FY 1991 Regional solid waste strategies to identify ongoing activities and include new activities for FY 1992.
- o Continue to provide monthly reports on accomplishments in the MISW program, including STARS measures.

States/Tribes/Local Governments (as applicable):

- o Review applicable statutes, regulations, and guidance to determine their adequacy to ensure compliance with 40 CFR Part 258.
- o Develop a schedule for making necessary revisions to statutes, regulations, and guidance.
- o Develop adequate programs, if not yet in place, and an approvable adequacy application.
- o Participate in SIR workshops and MSWLF criteria technical training.
- o Develop strategies for implementing the revised criteria, including permitting and enforcement.
- o Implement the revised criteria.
- o Focus efforts on ensuring that closing facilities comply with the revised criteria and close in an environmentally sound manner and addressing the need for continued capacity as facilities close.
- o Implement Challenges for the 1990's and facilitate local implementation of Challenges for the 1990's, focusing on procurement and recycling market development activities.
- o Provide assistance to local communities as they work toward achieving the national recycling goal.
- o Work with EPA Regions and local communities to assess and address local needs.
- o Continue outreach and development efforts in the areas of source reduction and recycling.
- o Continue procurement and recycling market development efforts, including participation in EPA's procurement workshops.

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- o Work with EPA's Regions to develop procurement strategies to comply with EPA's procurement guidelines.
- o Provide technical assistance to local governments in developing regional sites.
- o Continue to work with EPA to identify and resolve implementation issues.

OFFICE OF SOLID WASTE
FY 1992
Program Area: Municipal Solid Waste Program

GOAL: To facilitate State implementation of MSWLF criteria; to enhance markets development. _____

OBJECTIVE: Track progress of statutory requirements for Subtitle D.

ACTIVITY: Submittal of State application for determination of adequacy of State MSWLF permit program.

MEASURE: Number of States submitting applications for determination of adequacy under Section 3

STARS CODE: R/D-1a
TARGETED: NO
REPORTED ONLY: YES
SUNSET: 10/91

ACTIVITY: Regional determination of adequacy of State permit program.

MEASURE: Number of Regional determinations of adequacy completed; include both determinations of adequacy and determinations of inadequacy.

STARS CODE: R/D-1b
TARGETED: NO
REPORTED ONLY: YES
SUNSET: 10/91

ACTIVITY: Implementation of EPA procurement guidelines under RCRA Section 6002 and 40 CFR Part 250.

MEASURE: Report on development of procurement implementation plan

STARS CODE: R/D-1c
TARGETED: NO
REPORTED ONLY: YES
SUNSET: 10/91

DATE 3-19-91
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OFFICE OF SOLID WASTE
FY 1992
Municipal Solid Waste Program Definitions

R/D-1a

Number of States submitting complete applications for determination of adequacy.

R/D-1b

Number of determinations Region publishes in the Federal Register; report number of determinations by adequate and inadequate.

R/D-1c

Report when procurement implementation plan developed.

OSWER -
3/90

RELEVANT GUIDANCE DOCUMENTS
(Continued)

Federal Facilities

Enforcement Actions Under RCRA and CERCLA at Federal Facilities (January 25, 1988).

Elevation Process for Achieving Federal Facility Compliance Under RCRA (March 24, 1988).

Agreement with the Department of Energy--Model Provisions for CERCLA Federal Facility Agreements (May 27, 1988).

Agreement with the Department of Defense--Model Provisions for CERCLA Federal Facility Agreements (June 17, 1988).

Enforcement Actions at Government-Owned Contractor-Operated Facilities (September 8, 1988).

Federal Facilities Compliance Strategy (November, 1988).

Listing Policy for Federal Facilities (March 13, 1989).

Federal Facilities Negotiations Strategy (August 19, 1989).

Municipal Solid Waste

State Program Adequacy (Summer 1991).

Update of Agenda for Action (Summer 1991).

Implementation Strategy for the Revised Criteria (Summer 1991).

Study of Recent State and Tribal Municipal Solid Waste Management Plans (Spring of 1990).

Report to Congress on Methods to Manage and Control Plastic Waste (Final - February 1990).

Review of Potential Substitutes for Lead and Cadmium in Products (Draft - February 1990) (Final May 1990).

Technical Guidance on Municipal Solid Waste Landfill Criteria (Draft - Spring 1990) (Final - Summer 1990).

How to be An Environmentally Alert Consumer (Draft - February 1990) (Final - April 1990).

RELEVANT GUIDANCE DOCUMENTS
(Continued)

Characterization of Municipal Solid Waste in the U.S. (Draft - March 1990) (Final - ?).

Decision Maker' Guide to Solid Waste Mnagement - November 1989

Sites for Our Solid Waste: A Guidebook for Effective Public Involvement - April 1990.

Land Disposal Restriction (not including LDR enforcement guidance)

"No Migration" Variances to the Hazardous Waste Land Disposal Prohibitions: A Guidance Manual for Petitioners (Draft Interim Final) (March 1990)

Guidance on the Land Disposal Restrictions' Effects on Storage and Disposal of Commercial Mixed Waste (9555.00-01) (September 1990)

Case-By-Case Extensions: A Guidance Document to Support the Land Disposal Restriction (Draft 1988)

Mixed Waste

Guidance on the Definition and Identification of Radioactive Mixed Waste (9440-1) (January 1987)

Guidance on the Definition and Identification of Commercial Mixed Waste Low-Level Radioactive and Hazardous Waste and Answers to Anticipated Questions (October 4, 1989)

State Programs

Capability Assessments for RCRA Authorization Program Revisions (April 9, 1987).

Capability Assessment Guidance - 1990 Edition

RCRA Quality Criteria (revised July 1986).

Protocols for evaluating permit quality and closure/post-closure plans (August 1986).

Enforcement Response Policy (December 21, 1987).

RCRA Program Evaluation Guide (July 1988).

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DATE 3-19-91
~~HB~~ SB 209, 279,
189, 114, 346,
HB 160, 263, 139,
377

Revised 1-16-91

MACO SOLID WASTE TASK FORCE POSITION PAPER ON
ENVIRONMENTAL QUALITY COUNCIL'S PROPOSALS
ON SOLID WASTE MANAGEMENT

AN ACT ESTABLISHING A SOLID WASTE REDUCTION TARGET;
ESTABLISHING INTEGRATED WASTE MANAGEMENT PRIORITIES; ESTABLISHING
A STATE GOVERNMENT SOURCE REDUCTION AND RECYCLING PROGRAM;
DIRECTING THE DEPARTMENT OF ADMINISTRATION TO DEVELOP PROCUREMENT
GUIDELINES FOR RECYCLED MATERIALS; AUTHORIZING THE PREPARATION OF
A STATE SOLID WASTE MANAGEMENT PLAN; AND AMENDING 75-10-104, MCA.
("LCIWM")

Action taken: Support

It was agreed that any state plan developed pursuant to the
proposed legislation should provide for meaningful local
government input and involvement. After discussion, however, the
Task Force took the position that in combination with existing
statutes, the new bill would provide sufficient opportunities for
local governments to be actively involved in state plan
development. With this understanding it was agreed by the Task
Force to support the legislation.

AN ACT TO ESTABLISH CLASS E MOTOR CARRIER AUTHORITY FOR THE
TRANSPORTATION OF RECYCLABLES; AND PROVIDE CLASS D CARRIERS
PRIORITY FOR CLASS E MOTOR CARRIER AUTHORITY. ("LCcomcarrier")

Action taken: Oppose

The discussion on this bill centered upon its creation of a
preference for existing waste and garbage haulers in the
certification process for a new class of recyclable haulers.
Concern was expressed that monopoly conditions would be
precipitated if the bill is enacted. Harry Mitchell moved that
the Task Force oppose the bill, Randy Tommerup seconded the
motion, and the opposing motion carried. In a subsequent meeting
it was suggested that the alternatives include letting the Public
Service Commission regulate fees for solid waste/recycling
carriers, or to award automatic Class D status to any successful
bidder.

AN ACT PROVIDING A PREFERENCE FOR PRIVATELY OPERATED SOLID
WASTE MANAGEMENT SYSTEMS; PROVIDING AUTHORITY TO THE DEPARTMENT
OF HEALTH AND ENVIRONMENTAL SCIENCES TO DEVELOP PROCEDURES TO
DETERMINE WHETHER SOLID WASTE MANAGEMENT SYSTEMS SHOULD BE
PRIVATELY OR PUBLICLY OPERATED; AND AMENDING SECTIONS 75-10-102,
75-10-104, 75-10-106. ("LCpvtpubl")

Action taken: Oppose

The opposition to the private preference expressed in the December 18th meeting was reiterated by several Task Force members and other commissioners. Concerns about resulting monopolization and the potential for county liability were underscored. Randy Tommerup moved that the Task Force oppose the bill, John Allstad seconded, and the opposing motion carried.

HB137 AN ACT TO EXTEND THE MORATORIUM ON CERTAIN INTERSTATE
TRANSPORT OF SOLID WASTE; AMENDING SECTION 75-10-209, MCA.
("LCmorator")

Action taken: No action

It was explained that the bill that the bill would extend existing restrictions on the import of solid waste ("for incineration or disposal") from October 1, 1991 to October 1, 1993.

AN ACT BANNING THE USE OF WASTE OIL AS A DUST SUPPRESSANT ON PUBLIC ROADWAYS; AND REQUIRING OIL RETAILERS TO DISPLAY A SIGN INDICATING THE LOCATION OF THE NEAREST WASTE OIL COLLECTOR.
("LCoil")

Action taken: Support

The question was raised as to whether federal regulations now classify most crankcase oil as hazardous. Harry Mitchell moved that the Task Force support the bill, Randy Tommerup seconded, and the supporting motion carried.

HB139 AN ACT ESTABLISHING MANAGEMENT STANDARDS FOR INFECTIOUS
WASTE; AND AUTHORIZING PROFESSIONAL AND OCCUPATIONAL BOARDS TO
IMPOSE ANNUAL FEES. ("LCinfwst")

Action taken: Support

Carlo Cieri reported that hospitals, morticians, and physicians had been represented during the EQC's deliberations on the proposed bill, and that agreement had been reached on it among them. Mr. Cieri moved that the Task Force support the bill, Randy Tommerup seconded, and the supporting motion carried.

SB189 AN ACT FOR THE CODIFICATION AND GENERAL REVISION OF LAWS
RELATING TO SOLID WASTE MANAGEMENT BY LOCAL GOVERNMENTS;
AUTHORIZING MULTI-COUNTY SOLID WASTE DISTRICTS; AMENDING SECTIONS
7-5-2306, 7-5-4304, 7-5-4321, 7-7-2501, 7-7-4402, 7-13-202, 7-13-
204, 7-13-209, 7-13-212, 7-13-215, 7-13-232, 7-13-233, 7-13-235,
REPEALING SECTIONS 7-13-241 thru 7-13-243, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE. ("LCregact")

Action taken: No action

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SB 209, 27, 99, 189, 114
HB 160, 203, 139, 289, 37

John Allstad opposed the provisions within the bill which would allow the board of a joint solid waste district to obligate individual counties for levies not to exceed two mills to correct revenue deficiencies for payment of bonds. Harry Mitchell indicated that the proposal may be necessary to permit issuance of and sale of bonds to fund solid waste facilities. Harry Mitchell made a motion to support the bill, the motion was seconded, but a tie vote on the supporting motion resulted a Task Force position of no action. It was further suggested and agreed that the Task Force oppose the change in allowable length of contract from 5 to 10 years (a measure to assist private facility operators) unless the preference for private operators is defeated.

6346 AN ACT ESTABLISHING A SOLID WASTE MANAGEMENT FEE ON WASTE GENERATED OUT-OF-STATE; AMENDING SECTION 75-10-117; REPEALING SECTIONS 75-10-110 AND 75-10-115, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. ("LCdifferfee")
Action taken: Oppose

Chairman Pruitt questioned the provisions in the bill which makes the \$5 fee per ton on out-of-state generated waste payable to the state as opposed to the facility operator. Randy Tommerup moved to oppose the bill, it was seconded, and the opposing motion carried. In a subsequent meeting, members were told that the fee would be earmarked for full-time mega-landfill inspectors, and that local operators might have the ability to impose their own fees. Because of the bill to continue the moratorium on out-of-state waste, the effective date of this bill would be delayed for 2 years.

6377 AN ACT ESTABLISHING A CERTIFICATION AND LICENSING PROCESS FOR MEGA-LANDFILLS; SUPERSEDING OTHER LAWS OR RULES; PROVIDING FOR CONTRACTS FOR INFORMATION; REQUIRING THE SUBMISSION OF LONG-RANGE PLANS; REQUIRING A Certificate OF SITE ACCEPTABILITY; SPECIFYING ENVIRONMENTAL FACTORS TO BE EVALUATED; REQUIRING A FILING FEE; PROVIDING A CONTESTED CASE HEARINGS PROCESS; SPECIFYING DECISION MAKING CRITERIA; REQUIRING A LICENSE; REQUIRING MONITORING; PROVIDING FOR ENFORCEMENT BY RESIDENTS; PROVIDING A MECHANISM TO RECOVER DAMAGES FOR CONTAMINATION OF A DRINKING WATER SUPPLY; PROVIDING JUDICIAL REVIEW; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING A SURETY BOND; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. ("LCMLSA2")

AND

56114 AN ACT PROVIDING FOR A LOCAL REFERENDUM ON THE ESTABLISHMENT OF A MEGA-LANDFILL; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE. ("LCreferendum")
Action taken: Combine Mega landfill bill with referendum bill

and Support.

It was agreed that the two bills should be considered together. Harry Mitchell moved to support the combined bill, Randy Tommerup seconded, and the motion to support carried.

58209 AN ACT TO REQUIRE SOLID WASTE MANAGEMENT SYSTEMS TO OBTAIN A LICENSE EACH YEAR FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES, AND TO REQUIRE EACH APPLICANT FOR A LICENSE TO PAY AN APPLICATION FEE; AUTHORIZING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCE TO COLLECT FEES; AMENDING SECTIONS 7-13-231, 75-10-102, 75-10-115, 75-10-204, AND 75-10-221; PROVIDING A RETROACTIVE APPLICABILITY DATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Action taken: Support as amended.

It was suggested that the Department of Health be contacted for further information on the budgetary expansion. After evaluation of the budgetary rationale, appropriate fees could be more accurately evaluated. For this purpose a Subcommittee consisting of David Pruitt, Gordon Morris, Linda Stoll-Anderson and Larry Fasbender was appointed. In addition, the Subcommittee was charged with examining the question of whether garbage haulers should be exempted from PSC regulation.

It was further agreed that an advisory memo regarding the Task Force's recommendations be sent to all counties. Larry Fasbender suggested that in the meantime, contacts with legislators begin to be initiated by Task Force members before the legislators arrive in Helena. Likewise, it was agreed that the PSC should be notified of the Task Force's positions on solid waste management legislation involving PSC regulations.

MACo officials met with the Solid Waste Bureau, Dept. of Health and Environmental Sciences to examine the department's budget request and fee proposal. Tony Grover said the department had reconsidered the proposed budget and found faulty assumptions in their own figures. They have revised the total budget needed to fund the 13 FTE's, with the result that proposed per ton fees would drop from \$.72 to \$.48. In addition, the Fiscal Analyst's budget has an additional \$81,000 per year for the Bureau, which would reduce the required fee schedule to about \$.34 per ton.

A tentative proposal to award MACo a contract to train landfill operators would further remove one FTE from the Solid Waste Bureau's budget, effectively reducing the required tipping fees to about \$.26 per ton.

MACo will attend the Appropriations Subcommittee hearing on the Solid Waste Bureau budget and support adopting the Fiscal Analyst's budget figures.

MR. CHAIRMAN AND COMMITTEE MEMBERS. MY NAME IS PETE FRAZIER, DIRECTOR OF ENVIRONMENTAL HEALTH WITH THE CITY-COUNTY HEALTH DEPARTMENT IN CASCADE COUNTY. IN ADDITION I HAVE SERVED AS THE DIRECTOR OF THE CASCADE COUNTY SOLID WASTE DISPOSAL DISTRICT SINCE ITS CREATION 20 YEARS AGO.

WE SUPPORT SB 209 WITH RESERVATIONS. WE AGREE THAT FOR MANY YEARS THE SOLID AND HAZARDOUS WASTE BUREAU'S LANDFILL PROGRAM HAS BEEN SERIOUSLY UNDER FUNDED AND UNDER STAFFED. IT IS MY UNDERSTANDING THAT CURRENT STAFFING IS AT 2.5 FTE'S WHICH IS FUNDED FROM STATE GENERAL FUNDS. THESE FEW STAFF ARE REQUIRED TO MAKE ROUTINE INSPECTIONS OF APPROXIMATELY 50 OPERATING LANDFILLS THROUGHOUT THE STATE, INSPECT NUMEROUS OTHER LANDFILLS WHICH ARE CURRENTLY CLOSING DUE TO THE UPCOMING FEDERAL SUBTITLE D REGULATIONS, REVIEW SEVERAL NEW LANDFILL LICENSE APPLICATIONS FOR LARGER REGIONAL LANDFILLS, RESPOND TO CITIZEN'S COMPLAINTS AND PROVIDE TECHNICAL ASSISTANCE, ETC. OBVIOUSLY 2.5 PEOPLE CAN NOT PERFORM ALL OF THIS WORK. THERE IS NO QUESTION THAT THE SOLID WASTE BUREAU NEEDS INCREASED FUNDING AND STAFFING IN ITS LANDFILL PROGRAM. IT IS MY UNDERSTANDING THAT THE EQC'S INTERIM SOLID WASTE ADVISORY COMMITTEE, AFTER CONSIDERABLE DISCUSSION AND WORK RECOMMENDED THAT THE BUREAU'S STAFFING BE INCREASED TO ABOUT 8.5 FTE'S. IT WAS FELT THAT THIS STAFFING LEVEL WOULD MEET WITH EPA'S APPROVAL FOR THE STATE TO OBTAIN PRIMACY FOR ENFORCING THE UPCOMING EPA SUB-TITLE D REGULATIONS AND PROVIDE THE SOLID WASTE BUREAU TO CONDUCT THE FUNCTIONS REQUIRED IN A TIMELY FASHION. *IT IS MY UNDERSTANDING THAT THIS STAFFING LEVEL IS NOW 13 FTE.* IT IS IMPORTANT, IN OUR OPINION THAT THE STATE SOLID WASTE BUREAU OBTAIN AND MAINTAIN PRIMACY FOR THE SUB-TITLE D REGULATION ENFORCEMENT, SINCE, ACCORDING TO AN EPA OFFICIAL, STATES WITH PRIMACY HAVE THE AUTHORITY TO PROVIDE VARIANCES FROM CERTAIN AREAS OF THE SUB-TITLE D REGULATIONS, SUCH AS LINERS, GROUNDWATER MONITORING AT SMALL LANDFILLS, ETC., AS LONG AS ADEQUATE EVIDENCE IS PROVIDED THAT NO PUBLIC HEALTH OR ENVIRONMENTAL PROBLEMS WILL EXIST IF SUCH A VARIANCE IS PROVIDED. IF THE STATE DOES NOT OBTAIN PRIMACY FROM EPA,

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NO FLEXIBILITY WITHIN THE RULES WILL BE AVAILABLE AND NO VARIANCES WILL BE AUTHORIZED. UNDER THE CURRENT FUNDING PROPOSAL IN SB 209, OUR LANDFILL IN CASCADE COUNTY, WHICH HANDLES ABOUT 16 TONS PER DAY, WILL PAY \$6,000 PER YEAR FOR OUR ANNUAL LICENSE. BASED ON THE NEED FOR STATE PRIMACY AND AN INCREASED STAFFING LEVEL IN THE SOLID WASTE BUREAU, WE SUPPORT THIS FUNDING PROPOSAL, EVEN THOUGH IT IS HARD TO UNDERSTAND HOW AN ANNUAL INSPECTION WILL COST \$6,000. HOWEVER, WE EXPECT TO ALSO RECEIVE CONSIDERABLE TECHNICAL ASSISTANCE FROM THE STATE BUREAU CONCERNING RECYCLING PROGRAMS, HOUSEHOLD HAZARDOUS WASTE EDUCATION PROGRAMS, ETC. THEREFORE, AS LONG AS WE RECEIVE THE PROMISED SERVICES FROM THE STATE, WE SUPPORT THE FEES FOR STAFFING THE PROGRAM. IF WE DON'T, WE MAY BE BACK IN TWO YEARS ASKING THAT THESE FEES BE REDUCED.

THANK YOU.

Waste Management of Montana - Great Falls

P.O. Box 2582

Great Falls, Montana 59403

Fax #408-761-6391

Phone (406) 761-2545



A Waste Management Company

EXHIBIT 5
DATE 3-19-91
~~100~~ SB 209

March 19, 1991

Montana State Legislature
RE: Senate Bill # 209

To Whom It May Concern:

I would like to go on the record in support of Senate Bill # 209.

In light of all the new federal legislature concerning landfills, and the general increase in environmental awareness throughout our society, it seems appropriate that we put some regulatory teeth into the State Dept. of Health and Environmental Sciences. Without this funding and without any teeth the Dept. would only be able to bark, they need to have the capability to bite when faced with violations. There are many entities public, and private that need a strong state agency for guidance, education and the general well being of the State of Montana.

I ask that they receive the funding they so desperately need.

Thank you.

Bill Price
General Manager

BP/fll

Waste Management Partners of Bozeman, Ltd.
Post Office Box 3588
Bozeman, Montana 59772-3588
406/586-0606



EX. 5
3-19-91
SB 209
A Waste Management Partner

March 19, 1991

Chairman
House Natural Resources Committee
Montana State Capitol
Helena, Montana 59620

Dear Sir or Madam:

Please be advised that we whole-heartedly support Senate Bill 209 .

While we do not presently have a landfill, we are in the process of obtaining a license for a landfill and therefore support this Bill which, among other things, provides for annual licensing and inspection for landfills.

Very truly yours,



Robert J. Fagliano
General Manager

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3-19-91
SB 209

March 19, 1991

Representative Bob Raney, Chairman
House Natural Resources Committee
Capitol Station
Helena, MT 59620

Dear Chairman Raney & Members of the Committee:

The management and employees of B.F.I. encourage your support and passage of S.B. #209, requirements for annual permitting of solid waste landfills and the provision of fees to support a strong regulatory program within the Montana Department of Health and Environmental Sciences.

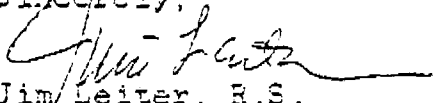
We in private enterprise in the solid waste industry are ready and able to meet the challenges of adequate environmental control of land disposal facilities in Montana and would like to see this legislation passed to insure that every operator of a solid waste landfill or incinerator in the state meets adequate environmental guidelines. In the past, regulation at the state level has been deplorably inadequate, as can easily be seen from the environmental damage at many local landfill sites.

S.B. #209 will provide uniform planning, educational and enforcement actions appropriate for the State of Montana to truly manage our solid waste for the future, rather than merely react to the generation of waste as we have for so many years.

The fee system built into the bill is fair and reasonable for all Montanans and in no case is burdensome or excessive. It is clearly the responsibility of all Montanans to provide good solid waste programs for the future.

Our employees in Missoula, Billings and Miles City encourage passage of this legislation.

Sincerely,


Jim Leiter, R.S.
Landfill Manager

WEE HAUL GARBAGE SERVICE

3449 Trumble Creek Road
892-4284 — Henry A. Hoyer, Owner
Columbia Falls, Montana 59912

EX. 5

3-19-91

SB 209

March 19, 1991

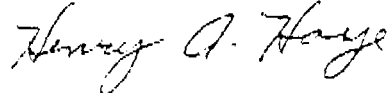
To all Committee Members:

No one should be allowed to operate a landfill in Montana without a license, and if the Department of Health and Environmental Sciences is going to be responsible for issuing the licenses and inspecting the landfills, they should be getting enough revenue from the licenses and annual fees to pay for the work involved.

I am in favor of Senate Bill #209.

Sincerely,

Wee Haul Garbage, Inc.



Henry A. Hoyer, President

EXHIBIT 5
DATE 3-19-91
HB SB 209

BITTER ROOT DISPOSAL

P O BOX 1008 - 172 S SECOND
HAMILTON, MONTANA 59840
PHONE (406) 363-3630

I believe that the department of health and environmental sciences has been woefully underfunded in the past. We now have landfills that are polluting our water supplies because of inadequate supervision by this department. Even the smallest of these landfills may contain hazardous waste.

The magnitude of the problems involving solid waste and recycling must be addressed now. It will only be more expensive in the future.

I support Senate Bill No. 209 as a means to finance the expansion of the department that must over see the facilities that handle our solid waste. The amount that must be passed on to the consumer is minuscule in comparison to the benefits.

Please vote a DO PASS on this bill.

Sincerely,



Vester A. Wilson II

P.1
Ex. 5
3-19-91
SB 209

EVERGREEN DISPOSAL SERVICE
CHARLES H. KELLY
1970 WHALEBONE DRIVE
KALISPELL, MONTANA 59901
PHONE 257-1739

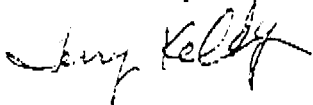
March 19, 1991

I am writing to ask for your support of Senate Bill 209. This bill would require annual license fees from existing landfills. In addition, it would require fees from applicants when new landfills are needed.

Basically, it would give the Department of Health and Environmental Sciences revenues to help manage solid waste systems in the state.

I feel this bill is a necessity because it would give a state wide approach to solid waste management. In addition, I know it will help to protect the quality of life in Montana.

Sincerely Yours,



Terry Kelly
Evergreen Disposal, Inc.

CITY-COUNTY SANITATION
3630 York Road
Helena, MT 59601

5
3-19-91
SB 209

March 19, 1991

House Members
Resources Committee

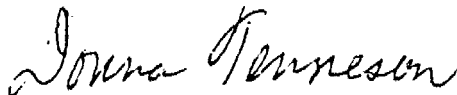
Dear Members;

Please note I support Senate Bill 209 regarding the Department of Health and Environmental Science.

I have been in the garbage hauling business for 26 years and in the landfill business for 3 years. Our company has worked with the Department for several years and find their professionalism is outstanding. They do a good job no matter what is needed.

Due to increased Federal Regulations, more demands are being placed on the department and they deserve the support from the people of the State of Montana. Thank you.

Sincerely,



Donna Tenneson, Owner
City-County Sanitation

6
DATE 3-19-91
MB SB 209

SENATE BILL #209
TESTIMONY

CHAIRMAN AND MEMBERS OF THE COMMITTEE

MY NAME IS RICHARD A. NISBET, PUBLIC WORKS DIRECTOR, REPRESENTING THE CITY OF HELENA.

THE CITY OF HELENA RISES IN OPPOSITION TO SENATE BILL #209. WE ARE NOT OPPOSED TO THE ADEQUATE STAFFING OF THE SOLID WASTE BUREAU. WE REALIZE STAFFING IS NEEDED TO ENFORCE THE REGULATIONS UNDER THE BUREAU'S JURISDICTION. HOWEVER, WE FEEL THIS IS A STATE FUNCTION AND FUNDS SHOULD BE PROVIDED FROM THE STATE, NOT FROM LOCAL GOVERNMENTS. THE AMOUNT OF WORK THAT A STATE AGENCY PROVIDES IN REGULATORY OR INSPECTION PHASES IS NOT NECESSARILY RELATED TO THE SIZE OF THE FACILITY OR THE POPULATION BEING SERVED. PROBABLY THE REVERSE IS TRUE. A LARGER FACILITY, WHETHER PRIVATE OR PUBLIC, HAS ADEQUATE REVENUES TO BE OPERATED EFFICIENTLY AND TO MEET ALL ENVIRONMENTAL REGULATIONS REGARDING A LANDFILL. MANY SMALL FACILITIES HAVE LESS FUNDS AVAILABLE TO ADEQUATELY OPERATE AND MAINTAIN THESE FACILITIES. FOR THESE REASONS, WE FEEL THAT A CHARGE BASED ON SIZE, WHETHER ITS TONNAGE OR A LUMP SUM, IS NOT DIRECTLY RELATED TO THE SERVICES RECEIVED BY A PARTICULAR FACILITY. THIS DEPARTMENT AS OTHER STATE DEPARTMENTS SHOULD BE FUNDED FROM REVENUES GENERATED BY THE STATE NOT FROM LOCAL USE FEES, WHICH IN ESSENCE IS THE INTENT OF THIS LEGISLATION.

THE CITY OF HELENA ASKS THAT YOU KILL SENATE BILL #209 OR AMEND IT TO PROVIDE FUNDING FROM GENERAL GOVERNMENT REVENUES RATHER THAN LOCAL GOVERNMENT.

SB209.PWC

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Natural Resources COMMITTEE BILL NO. SB 209
DATE 2/19/91 SPONSOR(S) Sen. Yellowstone - Solid waste mgmt fees
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
SELDEN S. FREISBIE	City of Cyr Bldg		X
Tom Hammerbacker	City of Conrad		X
Richard Nisbet	City of Helena		X
Gordon Morris	MHCs.	Amend	
Pete Frazier	City - Co. Health Dept GT Falls	X	
FRANK CROWLEY	MT & WYOMING CONTRACTORS ASSN	X	
BLACKER CONNELL	THREE RIVERS DISPOSAL	X	
BRUCE MCANDRESS	CITY OF BILLINGS BOX 117	✓	
Tony Grover	DHES	X	
Janet Ellis	MT Audubon	amend	
Larry Blehm	NPRC	amend	
Chris Kaufmann	MEIC	X amend	
Don CHANCE	BENKHEAD Co.		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.